

GENERAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

SESSION OF 1927

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY,

Commencing Tuesday, January 11, 1927



BIBB GRAVES, Governor.

Wm. C. DAVIS, Lieutenant-Governor.

WATT T. BROWN, President Pro Tem. of the Senate.

J. LEE LONG, Speaker of the House.

I, JOHN BRANDON, Secretary of State in and for the State of Alabama, do hereby certify that this volume is published by the authority of the State of Alabama, and in accordance with law.

JOHN BRANDON,
Secretary of State.

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MESSAGE OF THE GOVERNOR

To the Members of the Legislature of Alabama:
Gentlemen:

It gives me great pleasure to welcome you back to the Capitol and to congratulate you upon the spirit and harmony that has pervaded your organization during the Extra Session so recently held. This spirit of co-operation means much for the State and I am sure that wisdom and sound business judgment will govern your actions during your regular session. I am sure that if the same harmony prevails, the same thoughtful consideration is given that characterized your Extra Session this State will be the beneficiary.

I have full confidence in your fidelity, patriotism and wisdom. You as law makers are charged with grave and solemn obligations. You make the laws—The Governor executes your will as enacted into law. The people then are dependent upon, in a large measure, the laws you enact and the fidelity and afithfulness with which they are executed. Therefore, Legislative and Executive authority should approach these duties with a feeling of fairness to all, having in mind the good of our Commonwealth and the betterment of our race.

During the term of my administration much has been accomplished—Much more is to be done. Every platform promise made by the Democratic party has been fulfilled, and it may not be amiss to recapitulate.

TAXATION

1. We entered upon the duties of the office pledged to the people of this State that farm property and homes should not be raised in taxation, except where improvement and increased value demanded—This promise has been fulfilled and farm lands have not been increased. The Legislature of 1923 passed laws giving us a Tax Commission that has not ruthlessly levied higher taxes upon that class who are unable to bear it. Taxes were assessed and equalized without court procedure and property has been held at its fair value and no complaints are being heard among our people. New capital is being attracted to our State, tax values are growing daily and our repealing of certain exemption laws, together with new industries producing pay rolls are rapidly advancing our tax assessments to enormous figures. This is shown by the figures taken from the report made by the State Tax Commission, which show that our total assessments for 1922, was: \$943,516,122.00, while for 1926 it was \$1,108,005,-144.00, or an increase in the last four years of \$162,278,892.00

IV

in tax values and no lands have been raised, this advance coming from new industry and new tax values. If this policy is pursued and capital is invited to invest here and industries continue to come in, we will soon have enough revenue to meet every demand of the State. It occurs to me that if we hold a low rate of taxation we will encourage industry to locate within our borders, increase our tax values and make pay rolls for our people.

I invite your close scrutiny of our tax assessments and the work of our Tax Commission and believing that the last revenue bill is worth your careful consideration, I am recommending to you its re-enactment, for under its provisions we have been able to meet the obligations of the State under appropriations heretofore made, paid off certain outstanding indebtedness and added to the State's real estate holdings.

I realize that in order to carry on Government revenue is necessary and the demands of the State now are greater than ever before. Advalorem tax has been carrying the burden of taxation for years. Equality in taxation is fundamental. Stocks and bonds, hoarded money and solvent credits should be taxed. Other sources may be suggested, but bear in mind that heavy taxes on homes and farms and industry weakens rather than builds your tax assessments. I am of the opinion that taxes are now more nearly equalized than ever before in the history of the State. There is less complaint—No suits are pending. I, therefore, recommend the retention of the present Tax Commission law and ask of those to follow, a close study of their administration of same. I call your attention to their report and the recommendations they make. It is worthy of your most careful consideration.

ASSESSMENT OF SHARES OF STOCK

The assessment of shares of stock of domestic corporations and banks was placed in the hands of the State Tax Commission and it has served to obtain a greater uniformity and equalization in these assessments. It has brought satisfactory results to the State and the tax payers. There is in our opinion no necessity for a change of this law, unless it be for the possible extension of the time for fixing such returns, to agree with that for filing the regular tax returns.

FRANCHISE TAX

The Franchise Tax has worked satisfactorily and this administration increased this tax 57.7% over the previous administration and I refer you to the tabulation made in the report of the State Tax Commission.

V

AUTO LICENSE TAX

I respectfully call your attention to the report of the State Tax Commission of the Auto License Tag Tax—This fund, as you know, is set aside to pay the interest on Highway Bonds, allocate said bonds, maintain the Highways and pay the expenses of the Highway Department.

The total collections from this source, as shown by the report of the Commission for the past 4 years, was: \$7,044,315.82, of the amount so far as the expenses of operation and administering the law, there was an expense in the 4 years of only \$138,010.39—This includes the purchasing and distribution of Tags, salaries of clerks, freight on tags and postage, printing of receipts, etc.

Out of these collections \$2,700,000.00 Bonds of which only \$500,000.00 was due, have been retired and are no longer liabilities of the State.

GASOLINE TAX

The Act levying an Excise Tax of 2 cents per gallon was passed February 10th, 1923. This tax is allocated in equal proportions to the several counties of the State and as a consequence in the four years, each County in Alabama has received \$093,653.92. This tax is intended to build lateral roads, and Commissioners Court should be required to use it for this purpose and for road construction and maintenance alone. I trust no diversion of these funds will be made.

The Tax Commission as now organized has functioned without a single law suit, without complaint, and I can but commend their policies and the laws under which they acted to your consideration for reenactment and continuance.

Under the Constitution, the Governor is required to submit to the Legislature a Revenue Bill for its consideration. I, in accordance with this provision transmit to you herewith the Revenue Bill enacted by the Legislature of 1923, which has been productive of much revenue without complaint, and I recommend it to you for passage with such minor amendments as you deem proper.

EDUCATION

The education of our youth is the most important subject perhaps with which you will have to deal. While this State has made great strides in the education of our people much remains to be done in order that every boy and girl may be given an opportunity in life. An educated citizenship is the greatest asset of any commonwealth. The people who have shown that they earnestly desire a system of education that will carry the schools to the remotest corner of the State.

VI

We now have a School State Tax of three mills, and a County Tax of three mills and a District Tax of three mills in addition to the poll tax for our elementary schools and even with this some of our communities only have a five (5) months school. This should not be. All our schools should be open and free at least seven (7) months in the year.

Every dollar should be made to count and all duplication and overhead expense and extravagance, if such there be, should be discontinued. The Educational System should be carefully scrutinized and every unnecessary expense curtailed and every duplication abolished and from the school to the University our system should be so related and connected as to make an harmonious whole. To do this will require exhaustive study, careful investigation and a thorough knowledge of our entire system in order to administer the funds in such a manner as to get the most possible good.

Alabama has taken no backward step in education during the last four (4) years. The people and the Legislature should know what is being spent for education in the State and to know further that there has been a steady increase for Educational purposes. Some months ago, Hon. R. E. Tidwell, Superintendent-Elect, compiled for me the following figures to show the amount spent for Education during the last eight (8) years:

In 1919 there was spent for educational purposes in	
Alabama	\$7,892,076.00
In 1920 there was spent for educational purposes in	
Alabama	10,092,733.00
In 1921 there was spent for educational purposes in	
Alabama	12,542,799.00
In 1922 there was spent for educational purposes in	
Alabama	14,590,013.00

Or a total for the four years prior to my administration	\$45,118,568.00
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A steady increase has followed.

In 1923 there has been spent for educational purposes in Alabama	\$14,919,243.00
In 1924 there was spent for educational purposes in Alabama	15,738,598.00
In 1925 there was spent for educational purposes in Alabama	16,350,960.00
In 1926 there will be spent—estimated—for educational purposes in Alabama.....	17,078,407.00

Or a total for the four years of my administration.....	\$64,687,208.00
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VII

Increase in revenue for four (4) years \$18,968,640.00, or a average increase of Four Million (\$4,000,000.00) a year for the four (4) years of my administration.

Thus it will be seen that there has been a steady increase in revenue for education, both during my term and the term of my predecessor. May we not then confidently hope if the same policies are pursued that under our tax system as now administered there will be a like increase during the four (4) years to follow. While this increase has been made, more needs to be done. Our demands are greater, our school population is increasing— Our facilities are lacking. Alabama is rapidly developing, and the more industries we encourage and locate in the State the more revenue we will have for our schools. The source of revenue from which educational funds were derived is as follows:

1. Mileage Tax, State, County and District.
2. State Appropriation.
3. Sixteenth Section Funds.
4. Fees, donations, etc.

Under the Constitution 3 mills of all the advalorem taxes go to the common schools. In addition, the Counties and Districts levy a tax—Hence it will be readily seen that as tax assessments advance, school revenue will proportionately advance. Increased revenues reported above come from this tax largely and tax assessments have been increased by virtue of exempt properties being placed on the tax books and new industries coming into the State.

ELEMENTARY SCHOOLS

The beginning of education is in the Elementary School and this should be our first care. The country school must not be neglected and should be guarded with zealous care, for from these schools come our high school and college students, and many do not advance further than our high schools. I am informed by our State Superintendent of Education that much more money will be needed in developing our Elementary schools. I, therefore, earnestly recommend in order to give more money to our Elementary Schools and to enable every school in Alabama to have a seven (7) months school term, that One Million (\$1,000,000.00) Dollars be appropriated out of the Treasury to be known as an Equalization Fund, to be used exclusively to bring every school up to a seven (7) months term. I further recommend that every safe-guard be thrown around the disbursement of this fund so that it may be used for this purpose and this purpose alone. This fund when raised should be sacredly guarded and used to give to the people in the poorer and re-

VIII

mote sections of the State a school in keeping with more favored communities.

A State's first duty is to develop its citizenship and strengthen its manhood and womanhood, and, until we realize this, we will not measure up to our duties. With the exception of our three higher institutions of learning, the State Board of Education has charge of and supervision over our schools. The State Superintendent and his professional assistants exercise general control and supervision over our public schools. The personnel of the STATE BOARD OF EDUCATION, in addition to the Ex-officio members, as now organized is as follows:

Congressional District	
Dr. D. T. McCall, Mobile.....	First
Jack Thorington, Montgomery.....	Second
W. L. Lee, Dothan.....	Third
A. L. Tyler, Anniston.....	Fourth
R. H. Powell, Tuskegee.....	Fifth
Cadwallader Erwin, Greensboro.....	Sixth
J. C. Inzer, Gadsden.....	Seventh
A. H. Carmichael, Tusculmbia.....	Eighth
L. Sevier, Birmingham.....	Ninth
L. B. Musgrove, Jasper.....	Tenth

Supt. John W. Abercrombie, Secretary and Ex-officio Officer,
Montgomery, Ala.

The State Superintendent of Education, clerical and professional assistants are the agencies through which this Board acts, the Superintendent being Chief Executive Officer.

The State Board of Education has adopted a Budget and made certain recommendations which will, no doubt be transmitted to you by the Executive Officer. I invite your careful consideration to same and sincerely trust that their recommendations will meet with your approval.

HIGHER INSTITUTIONS

The University, Auburn, Montevallo and our Normal Schools are in great distress for lack of buildings and equipment. Students are knocking at their doors clamoring for admission. High Schools are yearly turning out young men and women yearning for a college education. None of these institutions are adequately provided for. Alabama should be second to no State in giving our sons and daughters every advantage.

The people of Alabama have recently responded liberally to the call of the University, Auburn and Montevallo, to a building fund. The authorities should not be forced to this procedure.

IX

These Institutions belong to the State and the State should amply supply funds for their maintenance and needs. The needs of these institutions are so apparent that we must meet squarely the responsibility—Unfortunately these institutions are now maintained out of the General Fund of the Treasury.—The sources of revenue to this fund, not otherwise appropriated by Constitutional provisions, are meager and insufficient to meet the active needs of these institutions. While the public schools have received much more revenue during the last four years (due to a constitutional provision) our Higher Institutions have not received an advance, although their demands are greater than ever before. A careful and impartial study of the situation will show that if we appropriated the whole of the General Fund to these institutions it would hardly meet their immediate needs. These institutions will never receive what they really need until they are placed in a position to receive a portion of the millage tax. I do not believe that the people of Alabama would turn down a proposition to tax themselves for the maintenance and support of these institutions. I, therefore, renew my recommendation of four years ago that a Constitutional Amendment be submitted to the people for a millage tax to be equitably divided among the University of Alabama, Auburn and Montevallo and our Normal Colleges as their needs may appear. To my mind, these institutions will never receive sufficient revenue to meet their demands, until same is fixed by the Constitution and not dependent upon annual appropriations. I believe that the people of this State are willing to support their Higher Institutions of learning. The Legislature can submit an Amendment to the people, which, if adopted, will put at rest forever the question of appropriation and fix in the Constitution a provision that will secure ample revenue for these institutions without each Legislature trying to find some way to raise funds to give these institutions a scant support—If this plan were followed and our people were advised as to our needs for these institutions, I believe the citizenship would rally—The people are willing to tax themselves if they know where their taxes are being spent.

I give warning that until a fixed revenue is worked out for our Higher Institutions of learning that they will never receive proper and adequate support for their maintenance and needs. Let's take the people into our confidence bravely and honestly and go to them with our needs and watch the unanimity with which they will respond to the State's call. In the meanwhile, some provision must be made to take care of their immediate needs. The present appropriations are insufficient and I recommend that you appoint a committee to take care of the Budget furnished by the President of each institution and as nearly as possible, and in such sums as the Treasury will stand, make these appropriations.

X

It might be well for this committee to call into conference the heads of each of these Institutions and ascertain their urgent needs.

I desire to state further that some of these institutions are carrying interesting bearing notes and I most earnestly urge that appropriations be made to these institutions in order to enable them to pay off this indebtedness, thereby saving the interest which is being presently paid out of the maintenance fund. I cannot too strongly urge that these appropriations be made as early as possible and the debts be liquidated. This recommendation is intended to include the Agricultural School at Sylacauga, Alabama, who incurred a heavy debt in erecting a building on the campus for State purposes.

Let me say that our higher institutions of learning are doing the best work in their history and deserve your most careful consideration.

SCHOOL FOR DEAF, DUMB AND BLIND

The Industrial School for the Blind, Deaf and Dumb at Talladega, Alabama, should receive our earnest and active support in order to take care for those who have lost their sight and who are unable to communicate by sound with their fellowman, these call for our heartfelt sympathy and every opportunity should be given them and their infirmities removed as far as is possible. The needs of this institution are grave. Senator Oliver will present a bill for their relief and I earnestly recommend its passage.

ALABAMA BOYS' INDUSTRIAL SCHOOL

No institution is doing more for the youth of this State than is the ALABAMA BOY'S INDUSTRIAL SCHOOL at East Lake, Alabama. It is making high typed men of boys whose tendency was toward crime and idleness. The Superintendent of this school and his able assistants are rendering efficient service and I cannot too highly recommend them. We must prevent crime by saving the boy before he becomes a criminal. This school is doing that. The State must not neglect its wayward youth. This school is perhaps the outstanding school of its kind in the South. I ask that you send a committee of visitation to this school to find out its needs, and if possible, supply them. I know of nothing that is more conducive to our future citizenship, than the reclaiming of the wayward boy from the environment of crime and educating him to some honorable vocation. Let us then nurture and care for these wards of the State and thereby render a service to humanity. In this way crime can be lessened, morals

XI

can be uplifted, homes can be made happier and communities strengthened, by caring for the wayward and outcast and training them for honest endeavor.

STATE TRAINING SCHOOL FOR GIRLS

The State Training School for Girls located near Birmingham, Alabama, is on my heart. It is doing a good work but not functioning as it should. The plan of its organization has not been properly worked out. It needs thoughtful investigation and a more definite plan worked out for its administration. I recommend that a special committee be appointed, to be composed of a member from each House, the Director of the Child Welfare Department, the State Health Officer, a member of the Board of Trustees and the Governor-elect, and after a careful investigation submit to you a bill for its future management, control and supervision. This school is badly in need of funds for replacing buildings recently burned and enlarging their facilities. This same Committee could work out these plans. This School appeals to us as deserving your every consideration and I commend it to you as an institution worthy of your very best thought and help.

ALABAMA SCHOOL OF TRADES AND INDUSTRIES

There is a State Educational Institution at Gadsden, Alabama, known as the Alabama School of Trades and Industries established to educate and train our white boys in their life's work in all the trades and callings which their talents and desires call for, to raise their earning power and better prepare them to share in the division of wealth of the State which properly belongs to them, and at the same time, add to the State's wealth and resources. This institution has passed the experimental stage and is doing a wonderful work.

I would recommend that the incoming Legislature provide sufficient maintenance funds and funds for buildings and equipment which will enable this institution to function in the way it was intended, as early as possible.

In view of the efficient and patriotic work of Honorable Watt Brown, who has made this school his life work and has made sacrifice for its success, I recommend that the name of the school be changed to BROWN'S ALABAMA SCHOOL OF TRADES AND INDUSTRIES.

In conclusion let me add that during my administration all school teachers have been paid promptly and no educational appropriation has been delayed, nor have teachers been forced to discount their warrants.

XII

SCHOOL BOOKS

Recently I authorized an investigation by the Attorney General and the State Superintendent of Education relative to the price being paid in Alabama for school books. It was ascertained that higher prices were being charged in Alabama for some school books than was charged in other States. The Alabama law contains a requirement which is intended to compel the sale of school books in Alabama at as cheap a price as the same book is sold in other States. This provision of the law states that the price is to be the same in other States "where like conditions prevail as are prevailing in this State."

Some of the publishers who are discriminating against Alabama contend that they are not violating their contract because of this particular provision inasmuch as an alleged different method of distribution of books has been agreed upon by the publishers and State Board of Education as the best method of handling such distribution, which in some minor particular probably differs from the method of distribution in States securing a cheaper price.

It is the opinion of the Attorney General that this discrimination against Alabama is in violation of the present contract and several of the book companies have met the State's contention by adjusting and lowering their prices. I have authorized suits against those publishers which have not given Alabama the benefit of the lower price. In this connection I wish to advise that the laws of the State relative to school books be modified so that there will not exist any grounds for the technical contention which is now being made by some of the book companies to maintain a higher price for books in Alabama than in some of the adjoining States. And as far as possible the constant changing of school books be eliminated. I concur in the recommendation made to you in person on this subject by my successor.

STATE HIGHWAY DEPARTMENT

Perhaps the most intricate department, is that of the State Highway Department. It has been subjected to more criticism perhaps than any other, because of the difficult problems with which it has had to deal, and yet, in face of criticism and great difficulties, the Commission has done much constructive work.

In 1911 the Highway Department was organized. Its first members were R. E. Spraggins of Huntsville, John Craft of Mobile, V. B. Atkins of Selma, Dr. Eugene A. Smith of Tuscaloosa, and G. N. Mitcham from Auburn. These men have and deservedly have a high place among the leaders of thought.

The present Highway Commission is composed of Hon. Jno. A. Rogers, Chairman; Hon. L. G. Smith and Hon. R. P. Boyd, As-

XIII

sociates—with Col. W. A. McCalla, Chief Engineer. These men have wrought constructively and history will write them as the pioneers in road construction in Alabama. Not one murmur of misappropriation of funds or wasteful use of money has been heard. To my mind, they should be commended for their splendid work.

Below is a resume which shows in some detail the work accomplished by this Administration and Highway Commission.

During the administration just closing, twenty millions of the twenty-five million dollar Bond Issue have been authorized and sold; three millions having been sold prior to October 1st, 1922, and there yet remain to be sold two million.

I desire to enumerate as briefly as possible the results obtained by the expenditure of this fund.

Prior to October 1st, 1922, the beginning of the financial obligations of this administration, there had been completed four hundred (400) miles of road in Alabama, one hundred thirty-five (135) miles of which were completed entirely from County funds and two hundred sixty-five (265) miles were participated in by State Funds.

On October 1st, last, there had been completed out of State funds on Federal Aid Projects one thousand two hundred forty-eight (1248) miles and on State Projects three hundred ninety-one (391), making a total of one thousand six hundred thirty-nine (1639) miles, not including the one hundred thirty-five (135) miles constructed by counties making an increase in mileage completed during the four (4) year period of one thousand three hundred seventy-four (1374).

There were about four hundred (400) miles of road under construction on October 1st, 1922, and there were eight hundred (800) miles under construction on last October 1st, or an increase of four hundred (400) miles.

When the present program is completed there will have been completed in the State of Alabama, as follows:

Completed by County Funds.....	135 miles
Completed by State Funds.....	1,639 miles
Under construction, State Funds.....	800 miles
	<hr/>
	2,574 miles

In addition to the above bids will be received on January 12th and 14th on sixteen (16) road projects aggregating 102 miles which will be placed under contract by January 17th.

The amount of funds now available, including a small amount from the old balance brought forward from the other administration in the amount of \$125,284.94, and refunds from the Fed-

XIV

eral Government and the two millions of bonds unsold will complete the program.

These facts are set out in detail on page two (2) of the Examiner's Report on the Highway Commission.

With reference to the book balance of over a million dollars to the credit of the Highway Commission on October 1st, 1922, it is a matter of common knowledge that this sum was not available in cash but the receipts which went to make up this balance had been expended for General Purposes, under a former Administration.

Therefore, when this balance is reduced it must be taken from the General Fund receipts and I have repaid about three hundred thousand (\$300,000.00) Dollars of this amount from that source.

MAINTENANCE OF ROADS

The maintenance of our Public Highways is just as important a matter as the continued construction of them, and probably more so. It is only through the proper maintenance of highways that the original investment may be conserved.

About seventeen hundred (1700) miles of road have been taken over for maintenance during the past four (4) years, and on October 1st, there were being maintained two thousand (2000) miles.

This mileage is made up of the one thousand six hundred thirty-nine (1639) miles completed by State Funds, one hundred thirty-five (135) miles constructed by Counties under the supervision of the Highway Commission over one hundred (100) miles of trunk highways, which was not built under the supervision of the Commission but which it was necessary to maintain in order to make continuous travel possible and about one hundred fifty (150) miles of projects which are still classified as under construction.

That good roads well maintained have a direct influence on the General Fund of the State is evidenced by the increase in the assessed valuations and taxes collected.

I wish to call your attention to the recommendations of the Commissioner of Maintenance, Hon. R. P. Boyd, in a letter embodied in the Auditor's report which states that by October, 1927, the Auto License tax will not provide sufficient funds for maintenance of roads constructed after that date.

Within another year about a million dollars per year will be needed for maintenance of state roads and this sum will continue to grow so long as roads continue to be built and the present ones become older.

I am of the opinion that some definite provision should be made for the continued maintenance of roads independent of

any fund created to pay interest and retire bonds for road construction.

To quote from the last paragraph of a letter from R. P. Boyd, Commissioner in charge of Maintenance, which is made a part of the Examiner's Report, which reads as follows:

"If Alabama is to keep pace with the march of progress, the road system so well begun must be connected, but to build without adequate provision for maintenance will in the end, defeat the very purpose of construction."

At the beginning of this administration the Highway Commission consisted of twelve (12) members.

The Legislature of 1923, in its wisdom, changed the form of the Commission and reduced the membership to three (3). It was the opinion of that body then and is mine today, that such a Commission can function more efficiently and effectively and I recommend the continuation of the present form.

In this connection I wish to refer to the criticism that were heaped upon this Commission until the report of the Examiners of Accounts was made public. After careful and painstaking study a very exhaustive report has been submitted by Messrs. Hankins and Henry on the activities of the Commission. This report is too voluminous to be made a part of this message except as a separate document. It is in the printers' hands and a copy will be furnished each of you as soon as it comes from the press. I request that you give this report the most careful study as it treats in detail of the work of the Commission.

I quote from that report, however, some of the comments made with reference to the personnel of the Commission.

"We have not been unaware of the criticisms of the Department that have been given circulation and the further fact that these inferences of inefficiency and mismanagement have, in too large a measure, fallen on fertile soil.

We are sorry that there will be those who will look for, and expect to find, references in this report to such matters; and we are delighted to be able to inform Your Excellency that, after exhausting all our resources, we have failed to find one scintilla of evidence of GRAFT, MALADMINISTRATION, or MISAPPROPRIATION of funds. We refer, of course, to the expenditure of the funds as authorized by the Statute. We would not if we could, and could not if we would, comment on the wisdom of all expenditures. That is a matter of policy strictly in the hands of the Commission and the question of whether the types of the road, the alignment or grade, was correct is an Engineering problem and does not come within the purview of this examination.

XVI

That mistakes have been made by the Commission is more than likely, for "it is human to err," but even these have a value in that through our mistakes we become more perfect by learning to avoid them.

We are convinced of the fact that Hon. John A. Rogers, Chairman; and Hon. L. G. Smith and Hon. R. P. Boyd, Associate Commissioners, and their predecessors in office, are men and citizens whose integrity is beyond question, and who have been, and are, devoting their time and energy to their work in a patriotic spirit and with the purpose of rendering their best service to the entire State. All of these gentlemen have been identified in some way with every progressive movement for the betterment of roads in Alabama. Some of them as engineers, have been employed for many years, and in this capacity have given the State the benefit of their experience and technical training, but we doubt if any State can boast of a citizen that has given to it a service with less manifestation of selfish interest, or devoted a greater part of his time and talent, with the same degree of consciousness of a public trust, and to our belief, without hope of future reward, than has Chairman Rogers. While in some instances we have had to disagree with his policies we do not question his sincerity.

We are sure that the future years will bring about a full appreciation of this service in the minds of the citizens of Alabama and that upon the foundation he and his associates have laid for Highway construction in Alabama will be builded a monument of progress upon which the names of John A. Rogers and his associates will be indelibly carved."

I wish to add my endorsement to this tribute and know that those of you who really know the gentlemen who have composed the Highway Commission will agree with me.

I quote below excerpts from the special report of the Highway Commission made to me:

"The completion of the work under way at the end of your period will practically exhaust the funds available for highway construction from the twenty-five million dollar bond issue heretofore authorized, and from such surplus money as became available from automobile license fund after this fund had supplied a sinking fund to retire the twenty-five million dollar bond issue, funds to pay interest on outstanding bonds, and funds for maintenance of completed highways and for the operation of the Highway Department.

"We wish to call your attention to a report of your Auditors showing the expenditure in each County. Where the Counties have not received their quota according to the law, we have left unexpended bonds or auto license funds to cover the appropriation legally due those Counties.

XVII

"The Federal Aid System which comprises the main arterial Highways of the State, comprises 3958 miles. With the work completed and now under construction, there will be approximately 1200 miles of gaps in the Federal Aid System. The Commission wishes to stress the importance of completing this System by filling in all gaps that remain in the highways now and will remain after the completion of the highways now under construction, as rapidly as moneys can be made available for this purpose, in order that the citizens of the State may have the benefits of the completed Highway System that will enable them to get to all large centers of the population by good, usable, all year around highways. In order to accomplish this as quickly as possible, we would stress the advisability of continuing to construct in accordance with the State Construction Plan, which is to build highways and surface with such type of surfacing as will give the needed service at the present time and for some years to come, only putting the high type expensive pavement on those roads where present traffic, or traffic soon to be anticipated may justify such pavement, using the valuable gravel, sand, clay, chert and stone deposits of the State in making temporary surfaces on those roads where the traffic justifies such surfacing.

"This plan of course, contemplates the ultimate paving of all the main arterial roads in the State as traffic conditions demand and as financial conditions permit. The object of our recommendation being to first build a foundation, and drainage structures, which are the same for all types of roads and which when finished with some so called temporary surface, will as stated above, enable the people to get the use of the general system of roads at an earlier date than would be possible by paving all roads as they are constructed.

"In constructing pavements, it has been the policy of the Highway Commission, concurred in by Federal Bureau of Public Roads, to ask for bids on several types of pavement which are recognized all over the Country as standard types, the purpose being to secure competition, which we feel could not be had should the Commission ask for tenders on only one type of surfacing. We believe that this policy has saved the State vast sums of money in the paving that has been done, and that if this policy is adhered to, the State will profit immensely thereby."

I submit the above extracts from the Commissions' report for your earnest consideration.

The motor bus traffic of the State has developed and is developing very rapidly and these vehicles being very heavy and operated at high rates of speed, are damaging the highways very much more than a similar number of ordinary privately owned vehicles do. In concurrence with the Highway Department's recommendation, I recommend that some action be had looking

XVIII

to the regulation of this service, and that some system of licensing or taxing them be adopted that will cause them to reimburse the State in some measure for the damage done to the highways and that they be regulated as Common Carriers.

Within the last few years a great many small towns and communities traversed by the State Highways have installed very restrictive speed limits for those using the State constructed highways and these regulations have been enforced in such manner as to cause the people at large to call them "speed traps," and have been a great source of annoyance to the traveling public who are using the State Highways.

I would recommend that some action be taken to put the fixing of speed limits on State constructed highways under the jurisdiction of the Highway Department, or some other State Agency, so that uniform and properly thought out regulations may be provided for the use of the State Highways, rather than haphazard regulations that are now being enforced. We also concur in the recommendation being made by the Alabama Association of Mayors and ask your earnest consideration of same.

Any mention of Alabama's road building would be incomplete without the mention of that great engineer, the late lamented W. S. Keller. To him perhaps, is due as much praise as any other man. As Chief Engineer from the inception of Highway Development in Alabama he gave of his thought, his energy and his time, and to him is largely due the progress made in Highway development. He has left his monument in roads and bridges all over Alabama, and his services are remembered by our people. He died in the service of his State as Chief Highway Engineer and has left to history a name that will endure. Peace to his ashes.

STATE BOARD OF ADMINISTRATION

The State Board of Control and Economy was abolished by the Legislature of 1923.

The State Board of Convict Supervisors was established in its place, retaining the best features of the old act and abolishing the other features which were found to be undesirable and impracticable. Later in the Session of 1923, the name was changed to the State Board of Administration because it not only supervises the operation of the Convict Department, but has charge of all State property, unless otherwise provided, and is the general business agency of the administration.

The Board is composed of two members, a president and associate member, and these members have direct charge of the two departments of the Board; the President is in charge of the Executive Department and looks after the general business inter-

XIX

est of the State; the Associate Member being in charge of all matters pertaining to the operation of all the State prisons and the activities connected with them. The Governor is ex-officio member of the Board.

EXECUTIVE DEPARTMENT

This department is under the supervision of the president, Hon. L. A. Boyd, and is charged with making all contracts, sale or purchase, of State owned property, unless otherwise provided, purchase of supplies for all departments, the keeping of accounts covering the activities of the Board and administration of the State Insurance Fund.

Contracts made for leasing coal mines in which convicts are employed are referred to more specifically in the comment on the convict department.

Contracts for the sale of products manufactured by convict labor are handled through this department also.

Sale and purchase of farm lands in connection with the convict farms will also be referred to again under that department.

PURCHASING DEPARTMENT

All supplies and material for most of the departments are purchased through this Board. Purchases are made on basis of sealed bids and that this Department is functioning to the profit of the State is probably most clearly demonstrated by the increased volume of business handled by it. The total purchases made through this department during this administration have exceeded nine million dollars and is an increase of about three million dollars over the previous administration, although the purchasing for Educational and Eleemosynary Institutions have been discontinued since 1923.

The Accounting Department keeps a financial record of all activities of the Board.

The State Insurance Fund has been in operation for three years. This law brings the insurance of all State owned property, except the University of Alabama and the Alabama Polytechnic Institute, including State owned rural school houses under the supervision of this Board. All State property has been inspected and values adjusted for insurance purposes. As a result of the operation of this Fund and this inspection the protection on all State owned property was increased 74.9% and the protection on rural school houses increased 138.61%.

With the exception of about five million of dollars of excess insurance, which is reinsured in a standard insurance company, all of this is carried in this fund.

XX

The total valuation of property covered by this fund is twenty-one and a quarter million upon which there is about sixteen and three quarter millions of insurance, over eleven millions of which is written at a discount of 40% from the manual rate.

There was appropriated by the Act creating the Fund one hundred thousand dollars to be used only in the event the premiums collected would not pay the losses and to protect the fund against an unusual loss.

All losses have been promptly paid and not one penny of the contingent appropriation has been used.

The operation of this fund has saved the tax payers of Alabama during the three years of its operation nearly two hundred thousand dollars in discounts and there was a net cash balance on hand October 1, 1926, of approximately fifty thousand dollars. In addition to the above, thousands of dollars have been returned to the tax payers in payment of fire and tornado losses on property which would not have otherwise been protected.

The State of Alabama is nothing more or less than a gigantic business enterprise, you gentlemen of the Legislature are the Board of Directors and the tax payers, whom you represent, the stock holders. With the above showing made by the operation of this fund before you, I believe you will recognize it as a sound business policy and one which should be continued.

CONVICT DEPARTMENT

This department is under the direction of the Associate Member, Hon. Roy L. Nolen, who has had the direct responsibility of the administration of all State prisons and their allied activities.

Probably the most constructive achievement of this Board has been the change in the basis of employment of convicts. It was the desire of this administration that the State should be paid for the use of convicts employed in the mines on a free labor basis and at the same time improve the working conditions of the convicts.

To this end an investigation was made as to the amount per ton at which the coal could be produced. The operators were then approached on the proposition of leasing the mine premises and equipment and coming to an agreement on the price per ton.

On account of the fact that each mine was operated by different methods and under different conditions it was necessary to work each contract out singly.

The Belle Ellen Mine was the first to be taken over. In this contract the coal was mined and owned by the State until sold. This contract became effective on February 1st, 1924, and this year was the hardest one on coal sales of any time in the past decade. In spite of this fact the contract produced more revenue

XXI

than would have been received under the old plan, but was cancelled August 31, 1925.

The Flat Top Mine was the next to be taken over on July 1, 1924. Then Banner Mines on March 1st, 1925, and Aldrich Mines on August 1st, 1925.

All of the mines have been in operation on the new basis less than one half of the time and yet the increased revenue, or earnings, accruing under these new contracts has amounted to more than four hundred thousand dollars over and above the old basis of leasing the men to the company and the prisoners have been under the direct supervision of State employees at all times.

Under the provision of these contracts Alabama took another great forward step in providing compensation for prisoners injured while employed, or for their dependents. I am advised by prominent prison authorities that this is the only State in the Union, and probably the only place in the world, where such provision is made.

In order to further protect the interest of the State, its employees and prisoners, catastrophe insurance was taken out covering each operation and group insurance, in which the employees participate in the premium, has been provided.

Old Prison Farm Number Five, which was non-productive and practically abandoned, containing 692 acres was disposed of for \$132,500.00 together with two other small tracts in Elmore County containing 136 acres for about \$4,500.00.

On the other hand nearly nine hundred acres were added to the Kilby farm lands, conveniently located on railroads and improved highways for less than was realized on sale of the above mentioned tracts.

It is the opinion of the Board that there will be enough timber and gravel on the new tract to pay for it and it is recommended that these resources be preserved indefinitely.

This administration has made one hundred thousand dollars worth of improvement in the erection and equipment of a modern dye house at Speigner.

This administration participated in the cost of Kilby Prison construction to the amount of more than one million of dollars and has made additional improvements in the physical equipment and improvements in the camp in the amount of about one quarter million of dollars.

Time forbids that this discussion be continued but a detailed report will be furnished each of you for your information and study.

I desire to commend in no uncertain manner the wise, careful and honest handling of this the most intricate and important department by Honorable L. A. Boyd and his Associate, Honorable Roy L. Nolen, who in purchasing and in administration

XXII

have saved thousands of dollars to the State; I commend their system to their successors.

THE STATE CHILD WELFARE DEPARTMENT

The people of the State of Alabama have declared themselves in favor of giving every child in the commonwealth opportunity for full growth into useful and self-supporting citizenship.

Through decisions of the Supreme Court of Alabama run two well established principles of law: first, that a court of chancery sitting as the State's lawful over-guardian will do whatever is necessary to be done for the welfare of any child brought before it; second, that when the court comes to exercise this function, all other rights and interests are held to be secondary to those of the child.

The Legislature of Alabama, responding to the expressed wishes of the people, established a Department of State to promote the development of child care in conformity with the two principles so often declared by the court.

The title of the act in itself expresses its whole purpose: "That in order that the State may more effectively exercise the duty and obligations which it owes to its minor children, who, for any cause are in need of its care and protection, there is hereby created and established a Child Welfare Department * * * which shall have and exercise the several powers, functions, and other duties inherent in the State for promoting the welfare of such children."

While the duties of the Departments are manifold, the fundamental principles underlying the whole program of work are prevention and reconstruction.

Its present activities are divided into four divisions, namely, Child Labor Law Enforcement, Visitation of Child-Caring Institutions, Juvenile Courts and Extension, and Children's Aid and Home Finding.

I wish to call your attention to the fact that the present Director, Mrs. A. M. Tunstall, has been in office only five months, as the first part of the fiscal year 1925-26 was under the direction of Miss Virginia B. Handley, who resigned to get married.

CHILD LABOR LAW ENFORCEMENT

Alabama is one of fourteen states in the Union having a child labor law which meets the standards prescribed by the last Federal child labor law. It is not the intention of the law to prohibit children's work, but to avoid child labor in Alabama and to keep children in school. The keynote of the law is better training for children before they go to work. This training is absolutely

XXIII

necessary, if, in the future, we are to have strong men and women, well matured in mind and body, and able to carry on the work of the world.

Eight years ago the educational requirements of the Alabama child labor law were 60 days in school for the school year. The requirements have gradually moved up until today the completion of the 6th grade is necessary before a child can leave school and enter industry. The scholastic year of 1919-20 showed that 30 per cent of the children entering industry that year had only attended school 120 days and could not write their names legibly. Provisions for the completion of the 6th grade only became effective September 1, 1926. The records of the certificates for the year 1925-26 show that 31 per cent of the children employed had completed the 5th grade, 28 per cent of the 6th grade, 17 per cent of the 7th grade, and 24 per cent of the 8th grade. Illiteracy among children leaving school to go to work is disappearing in Alabama. Of the 16 year olds who went to work the last fiscal year, 31 per cent had completed the 8th grade.

Physical fitness for the work to be undertaken by the child is prescribed, and no child under sixteen is permitted to work more than eight hours a day. Boys under sixteen selling newspapers must be known to be regular attendants at school. The inspectors of the Department enforce all these measures.

At least three child labor inspectors are needed to do the field work of the Child labor Division. The Division now has only two. These inspectors spend about two-thirds of their time in the work of inspecting those establishments in the state where children are employed or likely to be employed. The remaining one-third of their time is spent in the office doing such clerical work as is involved in record-keeping, following up inspections by correspondence, etc. A minimum of three inspections annually is made of all establishments where children are usually employed. From one to two inspections annually are made of other establishments where children are likely to be employed.

Approximately 300 manufacturing establishments, 98 of which are cotton mills, were inspected from one to three times during the year, making a total of about 500 inspections of manufacturing establishments only. Nearly 520 miscellaneous establishments, such as business offices, billard halls, cafes, drug stores, groceries, mercantile establishments, telegraph offices, repair shops, theatres, and like places, were inspected, making about 1,100 miscellaneous inspections, and a total of about 1,600 inspections for the year 1925-26. In addition to this 411 homes were visited, 182 visits to issuing officers and 257 visits to other officials, making a total of 850 visits, were made. To do this, the two inspectors traveled 18,114 miles, spending 364 days in the field and 181 days in the office.

XXIV

In making inspections of establishments, the inspectors visit the homes of many children found in employment, whose ages may be doubtful, to examine evidences of age which may be in the possession of the parents. Approximately five hundred home visits are made annually.

The heart of child labor law enforcement is in the correct issuance of the permit to leave school and enter industry which is given to the child by the superintendent of schools. The provisions of the law made necessary the use of a number of blank forms, and the law further provides that all forms used in the issuance of certificates be supplied by the Child Welfare Department, also copies of laws and schedules of hours for employment must be furnished. In addition, a small amount of literature for publicity is distributed annually.

INSTITUTION DIVISION

The main work in child-caring institutions has to do with the promotion of better standards, the rendering of all assistance possible to those in charge of institutions, particularly in determining where children come from, where they go when they pass out and the supervision of the last named group. It is the aim of the Department to go back of all institutions and make every possible effort to mend weak or broken homes before the children of such homes are unloaded on society for maintenance and education.

Julia Lathrop, first chief of the United States Children's Bureau, has said: "No child should be removed from its own home unless it is impossible to make the home safe for the child or his continuance in the home safe for the community."

An attempt to put this principle into practice is indicated by the combined efforts of the County Superintendents of Child Welfare, where there are such, the Visitor of the Institution Division, and the Extension Secretary of the State Child Welfare Department. In studies made of children's cases adjusted by county workers with the assistance of officers from the State Department, it is shown that during the last fiscal year Houston County saved to itself 69 children of 12 families; Covington County, 33 children of 11 families; Walker County, 70 children of 21 families; Etowah County, 19 Children of 9 families.

The workers of the Child Welfare Department and those people connected with institutions know full well that the time has not come in Alabama when the Institutions do not have a distinct service to perform. For hundreds of children there is at present no other refuge. Further, there is, there always may be, a certain type of child which only the institutions can save, but more emphasis must be placed on the home—the preservation of the

home when possible, and the placing of children really placeable in foster homes.

The promise of the present educational program in this particular was clearly indicated when a superintendent of a child caring institution in Alabama was asked to name what he thought to be the ideal institution for a child. Like a flash, the answer rang out: "The Home!"

He knows that, for the present, institutional care in hundreds of cases is necessary. His ideal is the home!

And for the present, the institutions need the support of their patrons more sorely than ever before because the institutions are undertaking bigger and better jobs.

There are today 20 institutions caring for children in Alabama, and a number of so called Emergency Homes, which the Department Visitor advises and assists in every way possible to promote right standards of work in child care.

Perhaps the most outstanding service rendered the institutions by the Visitor from the Child Welfare Department has been the mental classification of problem children—a service the Department is proud to be able to render through its well-trained worker.

JUVENILE COURT OF EXTENSION DIVISION

Efforts to assist a destitute mother to keep her children or to force a deserting father to assume his natural obligations, lead the Department worker directly into the juvenile courts of the state. The law provides that the department shall promote the development of such agencies, advising with the judges and supervising the probation officers. The plan is to make the juvenile courts the central social agencies in children's matters. They are to be strengthened and made able to cope with difficult problems. They must seek and secure the hearty and cordial cooperation of every public and private agency in the community. They must become a part of a broad-gauged, well-coordinated welfare system which undertakes to build around the life of the child every possible influence for good and lead him steadily along the way to a self-supporting, self-respecting citizenship.

The Department has been assigned definite duties in the juvenile courts of the 67 counties of the State, and also assigned the difficult but constructive task of studying conditions throughout the counties and of making known to the citizenship of the State such causes of dependency and neglect which may be discovered. The 1923 session of the Legislature enacted a very excellent juvenile court law amending the Act passed in 1915 which applies to all counties of the State not having special acts. There are three such counties, namely, Mobile, Montgomery and Jefferson.

XXVI

In addition to this measure a law was enacted which makes permissible the organization of county boards of child welfare. This was done for the obvious purpose of permitting county courts of commissioners or boards of revenue, and boards of education to combine their interests and employ a county welfare worker whose duty it shall be to serve the juvenile court as probation officer and the schools as attendance officer. This effort to effect county organization for the purpose of meeting county child welfare problems in their local communities represents without doubt one of the most forward steps ever taken by the State of Alabama.

There are fourteen counties in the State today having organized juvenile courts or county welfare boards. They are as follows: Calhoun, Coffee, Covington, Dallas, Etowah, Hale, Houston, Jefferson, Lee, Mobile, Montgomery, Shelby, Tuscaloosa and Walker.

CHILDREN'S AID DIVISION

The Children's Aid Division is in reality an extension of service offered the juvenile courts in the 67 counties. It undertakes for the entire state, as it should, the placing of homeless children in good homes and the working out of ways and means by which destitute mothers and their children may be saved to each other when there are no local family welfare units in the community or county to serve such families—seeking first in all cases the preservation of the family unit.

All the states in the Union today except six (and Alabama is one of the six) make provisions for helping worthy mothers to keep their children in their own homes.

But in Alabama there are no provisions on our statute books for assisting children of destitute mothers by means of funds from either the state or county treasuries, except by commitment to almshouses. Outdoor relief (that is, public money appropriated directly to the family) is prohibited in all counties operating almshouses. In other words, destitute children must be thrust into the county almshouses, if the county has such an institution and most of them have, before assistance can be furnished by the county. The burden of the work of this kind must be assumed largely by the Children's Aid Division.

The State Child Welfare Department is committed to the principle that the home is the best place for the child. The Department proceeds upon the theory that destitution in a child's home brought about by death, or desertion, or other causes, and through no fault of the child, should not be the cause for breaking up the home. On the other hand, if there exists no possibility of rehabilitating the home, or if there is no home, the Department

XXVII

undertakes to place homeless children in normal homes, within the state, for adoption.

According to an estimate made in 1920 (arrived at by methods of computation too lengthy to state here, but which seem sound), there were at least 10,000 dependent, neglected and delinquent children in the State of Alabama in need of special care. Of these, not over 3,000 could be cared for by institutions. No other organized work for children existed. We have no reason to assume that the number of children in need has grown less.

As an indication of the need of saving children in Alabama, attention is called to the fact that the Children's Aid Division was actually in touch during the last fiscal year with 1046 children. This represents 1046 appeals for assistance of some sort in some way. It does not mean at all that the Department was able to receive this number—far from it—even if commitment to the Department had been the right thing. At the beginning of the last fiscal year, the Division had 362 children under supervision in their own homes. By keeping in close touch with these children, the Division was able to keep them in the homes, saving both homes and children to each other. And, during the fiscal year, the Children's Aid Division was able to go into local communities and save to their own homes, or to relatives' homes, 321 children. During the year, these homes were all so strengthened that the homes of 184 children were discharged from supervision,—that is, the families had been built up to the point that they were able to go on themselves and no longer needed guidance.

The Division actually had committed to it only a small number of children, the number being 138, and of these 39 were returned to relatives. During the year 126 children were placed for adoption. This does not mean that these children were all received this fiscal year. Some of them were on hand at the beginning of the year and some of the children committed during the year are still on hand.

In order to accomplish what was accomplished by the Children's Aid Division, the following visits were made and miles traveled:

Visits made in investigating applying homes.....	627
Visits made in investigating children's matters.....	1,405
Visits made in supervising children.....	3,526
Visits made to clinics and doctors' offices.....	430
Miles travelled	64,883

The Children's Aid Division has been unable to respond to the demands made upon it by the State because of the lack of adequate funds. Up to this time, the Department has been com-

XXVIII

pelled to solicit private donations from the people of the State, in order to carry on at all. Last year over \$20,000 had to be raised in this manner to carry the children committed to it through the fiscal year.

This ought not be be. If little children in need are to be manufactured into citizens, this Division must receive more means with which it can save child life.

Indeed, insufficient funds compels the restriction of the activities of the Department in all its divisions of work, and yet it carries bravely on looking to that brighter day when Alabama will be a better state for a child to live in.

The Governor, in order to aid in administering this Department, has contributed annually something over \$5,000.00 from his contingent fund.

I wish to call your especial attention to the 1925-26 Annual Report of the Director of this Department, Mrs. A. M. Tunstall, and ask that most careful consideration be given to same. I also call your attention to the quadrennial report submitted by her.

I desire to commend the work of this Department and recommend that an additional appropriation of fifty thousand dollars (\$50,000.00) per annum be made for its administration and maintenance.

STATE HEALTH DEPARTMENT

The forward strides of the State Health Department during the past four years have brought a keen sense of satisfaction to the administration. Eleven new fulltime county health services have been organized bringing the number up to thirty; the counties comprised in the new territory covered are, Escambia, Limestone, Franklin, Marengo, Marshall, Coffee, Jackson, Lawrence, Lee, Chambers and Tallapoosa; this means that approximately 340,000 more of the state's population have been brought within reach of the benefits of a local agency which devotes itself to guarding the health of the people, preventing the spread of communicable diseases, fighting the dangers of soil pollution through the building of sanitary toilets and the administration of anti-typhoid vaccine; conducting campaigns for the eradication of mosquitoes and the prevention of malaria; carrying into the very heart of the country home the intimate instruction of nurses which contributes to the safety of mothers in childbearing and to the normal development of our future citizens during the period of their greatest helplessness. Alabama's rural health program has proved so successful that visitors from every country on the globe have come to observe it.

XXIX

Approximately 939,000 Alabamians still live in counties which do not support a fulltime county health service; these are predominantly rural counties. Even here the state board of health has shown a commendable industry and adaptability to circumstances.

To all counties are available the results of the epidemic logical studies based upon the reporting of communicable diseases by local physicians; five branch laboratories have been established making prompt diagnostic service available to the remotest citizen within a twelve hour period this includes the mailing of vaccines and anti-rabic serum as indicated. Here again the individual physician is the local representative of the state board of health and carries out a lifesaving measure formerly conducted at the central laboratory in Montgomery at three times the expense of the present practice; this change has more than doubled the use of the state laboratory by rural citizens.

In every rural county of the state indigent cases of venereal disease may find within a reasonable distance a co-operative clinic where treatment may be secured at a nominal fee, necessary medicines being furnished free from the state board of health and administered by a local physician who is under contract to perform this service at a small cost.

The rules and regulations of the state board of health with regard to the impounding of waters are responsible for the adoption of malaria control measures by the power companies concerned.

All city water supplies are by law placed under the supervision and control of the State Board of Health. This service is not contingent upon a local health organization.

A milk sanitation program has been devised which may be adopted by any incorporated town or municipality. This program has beneficial results which are two-fold; health conditions are improved and the economic welfare enhanced through development of the dairy industry.

An inspector from the state bureau visits and rates every hotel in the state and enforces an established standard of maintenance for these as well as other food handling places.

The record of Alabama's investment in health service during the last ten years makes an interesting story; in 1917 the legislative appropriation to the State Board of Health amounted to 1.1 cents per capita; county funds supplemented by federal and voluntary agencies raised the per capita expenditure throughout the state to 8.4 cents. In 1925 the legislative appropriation to the State Board of Health amounted to 8.7 cents per capita; county funds supplemented by federal and voluntary agencies raised the per capita expenditure throughout the state to 33.9 cents.

XXX

A study of the records and reports of the State Board of Health together with even a cursory inspection of the records of the present economic status of our people convinces me that every dollar of state funds which has been invested in health protective measures has actually brought to the state many times its equivalent in freedom from pain and sickness, higher levels of health and efficiency in our workers, lowered death rates, the saving of millions of dollars due to the saving of health, increased production of wealth due to increased health.

If Alabama is to go forward and not back it must continue to expand its health activities and extend the service now available to 60% of its population so that the 40% now lacking a local service may supercede the efforts of the central office by a local organization.

Or in the continued absence of such an organization in a considerable number of counties it must more adequately finance the central office activities best calculated to compensate for lack of local health departments.

In most of our modern cities 50 cents per capita is regarded as a modest expenditure for health protection. Alabama has never exceeded 34 cents even including all funds from outside sources.

I believe that an aggregate investment of \$1.00 per capita would be a reasonable and profitable one for this state and I believe further that our state health organization is capable of making such an investment pay dividends to our people that would enrich the lives of all of us.

A proposed program of expansion with very careful budgeting has been worked out by the State Board of Health for the next quadrennium, it involves taking over such work as has been built up by outside agencies and a reasonable expansion of the board's established activities; it calls for a gradual annual increase through the four years reaching a maximum of a little more than a quarter of a million dollars. I recommend the adoption of the entire program when submitted.

BUREAU OF INSURANCE

I have the honor to call your attention to the operation of the Bureau of Insurance, which is directed and presided over by Frank N. Julian, as Superintendent of Insurance.

For the four year period 1923-26 this Department of the State has shown most remarkable growth both as to revenue and to the services rendered the general public. To the head of this Department I desire to give credit for a most intelligent, constructive, and progressive administration; Alabama's Insurance Department is recognized throughout the nation as one of the

XXXI

best managed State Departments, and the head of the Department has been signally honored by the National Convention of Insurance Commissioners, an organization of State officials which was established in 1870.

The Bureau of Insurance was created as a separate Department by Act of the Legislature in 1915. Since its creation, (Acts of the Legislature of 1915) and from that date to the close of the year 1926, the total revenue from this Department has amounted to \$6,406,797.42.

For the preceding quadrennium (1919-22) the total receipts of this Department amounted to \$2,198,000.16, and the total expense of operation for the said period amounted to 3.24% of receipts. During the quadrennium mentioned, the expense of the workmen's compensation law was paid from the general funds of the State and is not included in the above computation.

For the quadrennium 1923-26 the total receipts of the Bureau of Insurance amounted to \$2,968,226.30, and the expense of operating the Bureau of Insurance amounted to 2.93% of receipts. From 1923 to the close of 1926, however, the expense of the workmen's compensation law was passed over to the Bureau of Insurance, and this expense has been borne out of the receipts of this office; including both expense of operating the Insurance Department and the Workmen's Compensation Division, the ratio of expense to total receipts amounts to 3.49%

It will be noted the increase in gross revenue in the last quadrennium named over the preceding quadrennium is, therefore, \$770,226.14. For the last year, 1926, the receipts of the Bureau of Insurance, were the largest in its history, amounting to \$865,052.33. Increase of revenue in this Department has been brought about without any increase in taxation or license fees.

This Department of the State Government is one of the most important of the several Departments in that it has supervision and regulation of all insurance carriers operating in Alabama, and as insurance is a vital and necessary part of every business activity the Department should be given your most careful attention to the end that it may continue to function intelligently and progressively for the State. The Superintendent of Insurance has made certain recommendations in the Annual Report of the Department, which I concur in, and which I would direct your attention to as set out in the Annual Report of the Bureau of Insurance.

Like all growing Departments, certain legislation is needed, and I would, therefore, point out to you the legislative recommendations as contained in the several annual Reports of the Bureau of Insurance for the quadrennium 1923-26, and I would especially call your attention to the following:

XXXII

CODE AMENDMENTS

In the adoption of the 1923 Code, certain laws adopted by the 1909 Legislature were inadvertently omitted. These omissions occurred without intent on the part of anyone and should be reenacted in order that the mutual aid laws and other laws affected be brought up to date and restore to the Bureau of Insurance the supervisory powers granted in the former laws.

FRATERNAL INSURANCE

I cannot too strongly recommend the repeal of that portion of the 1923 Code levying a premium tax on fraternal beneficiary societies. This provision for tax on fraternal does not appear in the 1907 Code, nor does it appear in any of the subsequent Acts of the Legislature. Careful inquiry leads me to the conclusion that its incorporation in the Code of 1923 was clearly an inadvertance. No State levies a tax on the small contributions of fraternal members, as it is clearly recognized that the funds of these societies should not be taxed but they should be given every safeguard and no undue expense placed upon these purely fraternal and beneficial trust funds. I am unable to see any good reason for retaining this provision in the law and thereby adding a burden in this State that is out of line with the policy of other States of this Union relative to fraternal benefit societies. I might add that under the construction put on the law by the Attorney General it has brought no additional revenue.

MEDICAL AID, HOSPITAL INSURANCE, ETC.

There is urgent need for additional laws to give the Bureau of Insurance supervisory and regulatory authority over so called medical, aid, hospital insurance associations and concerns of this kind, and, therefore, I request that you give your attention to this subject, which will be brought to your attention in the report of the Bureau of Insurance.

AGENTS' QUALIFICATION LAW

The enactment of a law governing insurance agents in this State is recognized as necessary by the agency force of the State and the licensed companies operating in the State. This enactment is being accomplished in practically all of the States, and wherever a sane qualification law is enacted it saves to the people of the State much money and raises the personnel of the insurance business.

For the year 1926 a total of approximately sixteen thousand agents' license were issued; this is an increase of approximately

XXXIII

four thousand license over 1922, or at the rate of one thousand additional license per year for the last quadrennium.

BUILDING CODE—FIRE WASTE

Your attention is directed to the unusually high fire losses in Alabama, and I would call attention to the necessity of legislation to reduce this almost criminal waste; to that end, I recommend the enactment of such building code laws as will in your judgment tend to decrease this abnormal waste of property, and such other regulatory laws as may be needed.

WORKMEN'S COMPENSATION LAW

For the quadrennium, 1925-26, the operation of the Alabama workmen's compensation law has been under the direction of the Superintendent of Insurance, who as Workmen's Compensation Commissioner Ex-Officio has also handled the detail of the workmen's compensation law. Above I have pointed out to you the expense of the operation of this law. Under the law the Superintendent of Insurance is charged with duties as regards rates and insurance companies. Faithful and efficient attention to this law has resulted in the saving to injured workmen of substantial sums of money, wherein the office has checked up payments and secured for the injured employees many settlements in cases where it appeared that the workmen had not been properly compensated under the terms of the law.

Much time and attention has been given by this office to an educational campaign pointing out how the insured industries could secure better rates and at the same time improve working conditions for the employees. With the limited funds allotted for this work the results have been most commendable, and in line with the suggestions of the Compensation Commissioner I would recommend that for the better operation of this law authority be given the Commissioner to employ at least two safety engineers and fire prevention experts. The work of such experts would undoubtedly create a reduction in rates to industries, both in compensation and fire insurance.

If the legislature continues the operation of the workmen's compensation law through the Bureau of Insurance, then I would respectfully recommend that certain amendments be prepared to this law looking to a better administration of same. The waiting period under the present law should be shortened and the maximum benefits thereunder should be increased; authority should be given the Compensation Commissioner to enforce compliance with the provisions of the present law, and this official should be required to bring to the attention of the proper courts certain cases arising under this compensation law.

XXXIV

DOMESTIC COMPANIES

I would further call your attention to the marked progress being made by our domestic insurance companies, and point out that according to the last annual reports on file that the five domestic legal reserve life insurance companies show admitted assets of more than thirteen million dollars, with net reserves against their outstanding policy obligations of approximately eleven million dollars, and with capital and surplus of approximately two million dollars; the premium income of these life companies shows more than four and a quarter million dollars annually, and these companies are serving the citizens of this and adjoining States and making their investments in securities of this State, thereby aiding toward the development not only of their home State but of those States in which they operate.

The State is now the home of two legal reserve fire insurance companies, one of which has been in continuous and successful operation since 1866, and one of which was organized during the past year, both having ample capital and surplus; and the two fire companies are also contributing toward the financial upbuilding of the State and supplying to the citizens of the State sound insurance.

Our home companies, together with those companies of other States that are transacting business within our borders, should be encouraged, for these institutions are supplying to the citizens of this State not only insurance protection but a market for our own securities and contributing toward the upbuilding of the State financially, commercially and industrially.

FIRE CONTROL AND PREVENTION

Annual reports of the Department of State Fire Marshal show a very helpful and hopeful sign. Fire destruction in the state and fire fighting equipment and upkeep expenses, all together, constitute one of the largest economic problems with which the State is confronted, running, as it does for destruction and prevention expenses, high into the millions annually. While we cannot be exact in our estimates and deductions, conservative experts say that this one item, exclusive of forest fires, would total twelve to fifteen millions (\$12,000,000.00 to \$15,000,000.00) dollars annually. Loss of human life in this way also is very great.

This is startling and, in my opinion, should arouse and bestir even the most careless and thoughtless individual to active work for fire prevention and control.

The splendid work of the State Fire Marshal of Alabama for the past four years in fire control and prevention efforts has been

given international recognition, resulting in his election to the office of president of the Fire Marshals' Association of North America, which organization has a membership covering the United States and Canada. I desire to heartily commend him for his fine and intelligent, as well as constructive and effective service to his State and the country and our neighboring country to the north. His reputation has, during this quadrennium, become international, as an effective worker in fire control and prevention.

While there are defects in all reporting services, the reporters of the Fire Marshal Department have been the same all of the four years and these reports show that there has been a decrease in losses during the quadrennium of approximately three and a half millions (\$3,500,000.00) dollars. No claim is made that this is absolutely accurate but it shows the trend of efficiency in combatting this terrible economic drain upon our people.

This Department is maintained by a special tax upon a special business interest for this special purpose. This special tax produces a fund of approximately thirty-eight thousand (\$38,000.00) dollars annually. The State Fire Marshal, the State Board of Administration and the special business interests supplying this special tax concur in the opinion that all of this money should be devoted to the efforts of the State in fire control and prevention.

During the quadrennium convictions for arson and fraud in the State courts have approximated a total of one hundred and twenty-five (125) years of hard labor sentences being imposed by these courts.

I recommend revision of the arson and Fire Marshal Department laws of the State in the following specific features:

This work being essentially different from the usual law enforcement endeavors, the word "Marshal" is misleading and it is recommended that the Department be given a name more in keeping with its actual work and duties.

That the arson laws of the State be revised so that more modern and model statutes might cover this subject.

That the Fire Marshal be given discretionary power for using portions of his funds for employment of special counsel for presenting cases to grand juries, etc.

That he be given the same powers with reference to employment of special detectives and investigators when it is found necessary by him.

That the annual salary of the State Fire Marshal be fixed by law at a sum equal to other departmental heads and directors and that the salaries of deputies be made such that high-class, intelligent, efficient and effective men may be employed for this class of work.

XXXVI

The high objective of this Department being a reduction of fire losses to such an extent as to result in lowered insurance rates, it is my belief and hope that, with these amendments and with this law intelligently and efficiently administered, we would be warranted in expecting such results in a comparatively brief time.

MILITARY DEPARTMENT

The National Guard is now organized under the provisions of the National Defense Act, 1916-1924, of the United States and the revised laws of the State of Alabama, which have been rewritten and amended in compliance with provisions of the National Defense Act so that the State can enjoy the benefits of Federal appropriations and the issue of Federal-owned clothing, animals and equipment for all branches of the Military service. The number of personnel and organizations, the kinds and types of such units and their location throughout the State as prescribed by the Secretary of War through the Militia Bureau after conference with the State Military Department.

Steady progress has been made in organization and reorganization work since October 1, 1922. Six (6) organizations have been reorganized in new stations, and twelve (12) new units organized and given Federal recognition. Benefitting by experience of the past, when it is found necessary to move the station of a unit and recognize it, and when organizing a new unit, every possible safeguard is taken in the preliminary work to assure permanency. Not only volunteer military manpower of the proposed station is gone into thoroughly, but thorough investigation is made of the ability of the station to produce commissioned officers and insure the quality of leadership that is essential to success.

A very important condition and which is a source of gratification to the State is that during two of the years of my administration, these years being the only ones in which public reports were made, organizations of the National Guard of Alabama have been given efficiency ratings that placed these units at the top of the list of National Guard organizations throughout the United States.

Because of lack of Federal appropriations only a few units have been allotted to the State for "Immediate Organization" during the past four years. Appropriations from the National Government will in all probability be increased during the coming four years with the ultimate object of completing eighteen (18) Infantry and four (4) Cavalry Divisions of the National Guard throughout the United States. To meet this probable condition recommendations are made that sufficient additional

XXXVII

appropriations be made available by our State Legislature to meet the proposed program of the Federal Government and enable the State to accomplish its part in this plan of National organization for the "Common Defense."

PRESENT ALLOTMENT OF NATIONAL GUARD UNITS BY THE WAR DEPARTMENT

The present allotment of National Guard units to the State in my opinion are preferred units, enabling this State to organize completely, within its own boundaries, such units as Battalions and Regiments. All organizations in our allotment either belong to the 31st "Dixie" Division or the 23rd Cavalry Division. The results of obtaining complete major units in our allotment has enabled the State to group these organizations by areas, which has resulted in the upbuilding of morale and enabled the Federal and State Government to carry on maintenance, instruction and training work with the least loss of time and comparatively small expenditure of money in travel. The organizations are now in the best possible situation for maintenance and continued progressive development in efficiency.

STRENGTH

The strength in personnel of the National Guard has not been increased because of limitation placed on the various States of the Union because of lack of sufficient Federal appropriations for Armory Drill and Field Training. However, the number of organizations has been increased during the past four years, this being accomplished by reducing the maintenance strength of each unit in accordance with new tables of organization, making maintenance appropriations available for paying the personnel of the new units, still keeping the total strength of the National Guard within the limits prescribed by the Federal Government, which during the past year was 2,758 officers and enlisted men. The Federal Government has authorized the State to increase the maintenance strength on January 1, 1927 to 2,824 officers, warrant officers and enlisted men. The actual strength of our National Guard today is 2,831 officers, warrant officers and enlisted men.

PROPERTY AND FINANCE

The amount of property issued the State by the Federal Government is valued at approximately \$1,787,099.92, and the amount of Federal funds handled by the U. S. Property and Disbursing Officer during the past four years is a total of \$659,579.78. This amount does not include expenditures of Federal funds by Army Finance Officers in the settlement of accounts

XXXVIII

for transportation, forage, care-takers and schools. With these expenditures added there has been disbursed by the Federal Government largely through the U. S. Property and Disbursing Officer connected with the Military Department approximately \$1,000,000.00 in the past four years. These conditions emphasize the necessity of retaining in the Military Department experienced help endowed with capacity and high sense of responsibility as the State is bonded for the safe-keeping and proper use of this property and the handling of these large sums of money.

The State Property & Disbursing Officer is responsible for the State military appropriations and during the past four years has disbursed out of the total appropriation off \$335,000.00 a total of \$297,643.50. During the past four years \$37,356.50 has reverted to the General Treasury, unexpended. This return does not include the cost of permanent arsenal and warehouse, which amounted to \$33,799.43. Since this building is permanent, it should not be rated among maintenance expenses that occur from year to year, and in my opinion, should not be included in the actual maintenance expense of the National Guard. With this condition, the total returned to treasury and invested in this building would represent a practical return to the General Treasury of \$71,155.93. The strictest economy has been practiced in the Military Department and no effort has been made to spend the total appropriation, simply because it was available. The reason for requesting appropriations that are possibly larger than may be needed for maintenance expense is because Federal maintenance appropriations are made from year to year and probably will be increased, causing the State to be required to increase the number of military organizations and the State must be prepared with appropriations to bear its part of the maintenance expenses.

"OTHER FUNDS"

Money credited to World War organizations of the Alabama National Guard known as "Other Funds" are being return to the State and paid to reorganized units in the World War stations throughout the State, and to date we have received \$29,779.30. The remainder of this fund, approximately \$12,000.00, will undoubtedly be received within a reasonably short period of time.

STRIKE AND RIOT DUTY AND AID IN DISASTER

The State has been fortunate in that emergency calls for the National Guard in aid of enforcement of law, protection of lives and property, and aid and relief of our citizens in disaster has been of a comparative minor nature. On the few occasions that

XXXIX

troops have been called, their conduct has been exemplary and the subject of the highest commendation by our citizenry, all duty being performed effectively and promptly.

BUILDING OF STATE ARSENAL AND WAREHOUSE

The State in 1925 completed a mill construction, fire-proof, arsenal and warehouse and a magazine on the State-owned grounds near Kilby. This was an economic measure as cost of rental of warehouse space in and about Montgomery was prohibitive.

TRAINING

The training of our National Guard is under the direct supervisions of a corps of regular officers and non-commissioned officers detailed by the Federal Government for duty in the State. Their work has been very satisfactory.

WORLD WAR RECORDS

Records of Alabamians in the Army, Navy and Marine Corps during the World War are practically complete in a single card index in the Military Department. These records are valuable reference and are constantly being referred to by our citizens and former soldiers.

COATS OF ARMS

Coats of arms of all flag-bearing organizations have been designed by the State Military Department and approved by the War Department. These insignia appear on the flags and standards of organizations and are worn as ornaments on the uniforms of officers and men. They depict the military history of the organizations and serve to increase morale and organization pride.

STATE SERVICE MEDAL

A State Service Medal has been designed by our Military Department and is available for distribution to those whose service meets the requirements of military laws.

SPANISH AMERICAN WAR BACK FUND PAY

The State still has in its treasury \$7,423.78, back pay, Spanish American War Veterans. During the past four years only \$31.29 has been paid out of this fund. I recommend that this fund be invested in good securities by executive order and the interest be used in caring for Spanish American War Veterans

XL

WORLD WAR TROPHIES

Without appropriations for this purpose our Military Department put on a campaign among our various counties for the purpose of accumulating sufficient money to pay transportation charges on the Federal Government Allotment of Trophies, captured by the American Forces in the World War, from the arsenal in New Jersey to Montgomery, \$2,624.47 was collected and the trophies have been received and distributed throughout the State. The Military Department should be commended for their success in accomplishing this without public appropriations.

LEGISLATION

(a) The present laws are the results of Acts of several Legislatures since 1907, and it is believed advisable to rewrite these Acts so as to co-ordinate and clarify the various sections by consolidations and revisions, but in no sense changing the intent of various Acts and Sections in any essential features.

(b) It is recommended that appropriations for the organization and maintenance of the National Guard be increased from \$83,750.00 to \$90,600.00 per annum as recommended by the Military Department to the State Budget Commission. This increase will enable the State to organize and maintain additional organizations during the coming four years, which will be accomplished in regular increments in accordance with the plans of the War Department, and as Federal appropriations are made available for maintenance.

(c) It is recommended that an Armory Building Measure be enacted, if a practical way can be found for raising money for the necessary appropriations. The outstanding need of our National Guard organizations is a proper place in their home stations to assemble for training and take care of the expensive equipment issued these units by the Federal Government for which the State is responsible.

(d) As mentioned before, our Military Department has only one card file of service records of practically 90,000 soldiers, sailors and marines of the World's War. It is recommended that the State make appropriations for cross-filing these records and serious consideration should be given the matter of putting these records in book form by counties so as to make them readily available for private and public reference.

CONCLUSIONS

Our Military Department has by persistent effort during the past four years obtained by exchanges, conversions, releases, and new allotments of units placed the State in a most advan-

XLI

tageous position for completing major organizations such as battalions and regiments and it is in my opinion highly important that the plans be carried out, which will result in a higher state of morale, increased interest on the part of the personnel and the citizenry in those sections of the State to which these units are allotted, and further increase in efficiency.

The military organizations of our State in all branches of the service have been brought to a high state of efficiency and have been repeatedly commended by inspecting officers of the Regular Army and now ranks with the best National Guard organizations of the country, both in equipment and personnel.

LAW ENFORCEMENT

At no time in the history of the State have the laws been more rigidly enforced than during the past four years. The Law Enforcement Department was created at a special session of the Legislature in 1919 and an appropriation was made at the special session in 1920 of \$50,000.00 annually for the Department. In 1923 the Legislature appropriated \$50,000.00 to be used at my discretion, making a total of \$100,000.00 per annum. This Department is created not only for the enforcement of the prohibition laws, but for the enforcement of all laws from murder to gaming. Accordingly, I appointed Walter K. McAdory as Chief Law Enforcement Officer and instructed him to aid in the enforcement of all laws. He and his force have been used constantly in upholding the laws and seeing that the mandates of the courts have been complied with. With reference to this Department, I desire to make the following recommendations:

1. The statute relative to injunctions and liquor nuisances should be amended to meet the decisions of the higher courts.
2. The statute relative to the seizure, condemnation and sale of automobiles transporting liquor should be amended to meet the decisions of the higher courts.
3. The statute relative to second offenses for violation of the prohibition law should be amended so as to authorize the magistrate issuing the warrant of arrest, or the solicitor in drawing the indictment, to allege in the warrant or indictment that it is the second offense, to meet the decisions of the higher courts.
4. The statute relative to transporting liquor should be amended so as to make it a felony to transport five gallons or more of liquor.
5. I recommend that some provision be made by the Legislature to provide funds for the enforcement of the traffic laws on the highways of the State, viz: reckless driving, persons driving or riding on the highways of the State while intoxicated, and the overloading of vehicles, etc.

XLII

6. I recommend that the Legislature pass a law that a certain per cent of the fines assessed and collected by the several courts of the State against all persons arrested by the State Law Enforcement Department be paid into the State Treasury of Alabama, said fund to be used exclusively for the enforcement of all laws, by and under the direction and discretion of the Governor of Alabama. If the Legislature will pass such a law, it will not be necessary, in my judgment, to make an additional appropriation from the general funds of the State treasury for the Department.

7. The law at present provides that all fines assessed and collected by the several courts of the State be paid into the county treasury and the State does not receive any benefit therefrom. This, in my opinion, is not right or just.

8. In my judgment, there should be added to this Department at least twenty additional officers, this addition to take care of ten officers added to the regular force and ten motorcycle scouts in the highways.

I have taken from the report of the Chief Law Enforcement Officer the following data, to show how well and how faithfully the laws have been enforced:

COMPARATIVE STATEMENTS

	Former Admin- istration (3 years)	Present Admin- istration (4 years)
Arrests:		
Violating prohibition law	1,903	6,192
Operating stills	587	1,809
Possessing still	292	359
Miscellaneous	2,167	3,766
	4,949	12,126
Disposition of Cases:		
Convictions	2,043	8,009
Nol prossed	313	531
Acquitted	301	443
Abated by death	6	13
Abated by insanity	2	1
Cases pending	2,229	3,129
Property Seized and Destroyed:		
Beer, gallons	704,349	4,789,322
Stills	1,394	7,546
Whiskey, gallons	10,310	54,754

XLIII

Wine, gallons		4,875
Alcohol, cases		15
Home brew, bottles.....	5,135	24,193

Property Confiscated:

Automobiles	44	524
Trucks	7	11
Launches	1	2
Buggies	2	19
Boats	1	1
Mules	6	41
Wagons	5	25
Horses	3	18

Cash Fines Assessed:

Former Admin.	Present Admin.
\$142,853.00	\$646,318.83

Expenses:

128,662.00	376,425.89
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Excess Above Expenses:

14,191.00	269,892.94
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Sentences:

No record	986, ranging from 30 days hard labor to life imprisonment.
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DEPARTMENT OF ARCHIVES AND HISTORY

The Alabama State Department of Archives and History has conducted the business delegated to it by the law with the utmost fidelity and zeal. I have watched this Department with peculiar interest from the time of its creation by the Legislature of 1901, of which body I was a member, until now, and no legislative Act in which I participated has given me more satisfaction. Beginning with a small collection of State archives which had accumulated in the dusty pigeon holes of the several executive departments of the State for three-quarters of a century, the collections have grown until they fill several offices in organized condition and a whole outside building in an unorganized state.

The historical portrait gallery now contains likenesses of all the outstanding characters who have builded this commonwealth. The museum objects of historical value, but aboriginal and otherwise, go into the thousands. The historical reference library

XLIV

has no equal in the South. The natural history collection, which only awaits a proper museum space for display, is representative of the bird and mammal, mineral and soil resources of the State. The Legislative Reference Library, which unhappily is not accessible, owing to the lack of space for classification and arrangement, is rich in materials that should be made available for the lawmakers of Alabama. The military records are invaluable to the Confederate Pension Commission in establishing services of 122,000 Confederate soldiers from Alabama and for those historical research workers who desire authentic data. In addition to the Confederate military records in the collection, records of the soldiers of the Mexican War, the Indian Wars, Spanish-American War and World War are available.

During my administration suitable file cases, not only for military records, but for the official archives of all the State Departments, have been furnished to the Department of Archives and History, and additional clerical assistance provided, in order that the materials which are under constant requisition may be made easily accessible for research. Considerable funds have been allowed out of the Printing and Binding Fund for binding the current Alabama newspapers which become very valuable with the passing of time as the only available record of the current affairs and growth and development of our people and our State. The newspaper collections of the Department now go into the thousands of bound volumes, not only of Alabama papers from the beginning of Statehood, but the outstanding newspapers of other Southern States and of the Nation. A great many of these latter volumes were given to the State by the Library of Congress some years ago and the press of Alabama has been most generous in presenting to the Department complimentary copies of their publications for permanent preservation in the State's archives.

In addition to the foregoing activities of the Department a traveling library system has been conducted, through which young people and mature students in the most remote districts of the State are enabled to secure with the cost of transportation, loan packages of reading matter and reference books. During the past four years thousands of these books have been circulated by the traveling library division of the Department. A comparison of the work of this one division of the Department reveals the astonishing fact that more is being accomplished by the Department with its manifold duties than in some of our neighbor states which have a separate Library Commission with an administrative force and field library organizers.

The Department, acting under legislative authority, has continued a policy of marking historical sites, acquiring by gift or otherwise desirable historical spots, promoting historical activi-

ties in the way of local historical societies, and local and county libraries.

One of the most useful activities of the Department is its service as a bureau of information. Letters of inquiry flow to the Director's desk, not only from seekers for information in Alabama, but from every other state and many foreign countries. With the assistance of a well trained research librarian and other members of the staff, no letter of inquiry ever fails to receive a courteous, prompt and satisfactory response. I cannot too highly commend to your consideration the aspirations of this Department for your continued support and I would most respectfully urge, if it is within the possibility of the State's finances, that you make an adequate appropriation for the construction of a separate fire-proof building for the preservation of the rare collections in the custody of this Department which shall be a memorial to Alabama and Alabamians in the World War. Every state in the Union except Alabama has given an adequate expression to its appreciation of the heroic efforts of its people and of gratitude to those of our soldiers who made the supreme sacrifice in that titanic struggle. Our sister State of Tennessee has erected for its Department of Archives and History a magnificent two million dollar World War Memorial Building. The city of Birmingham is to immediately erect a Jefferson County World War Memorial in the form of a quarter-million dollar stadium. The whole people of this proud State can well afford to unite in bearing the cost of one noble structure that shall house all our historical archives and objects of historical value, and I so recommend to your honorable body.

STATE DEPARTMENT OF AGRICULTURE AND INDUSTRIES

No branch of the State government has made more constructive advance during my term of office than has the Department of Agriculture and Industries, as created by an act of the Legislature of 1923, known as the Agricultural Code of Alabama. Under the operation of this reorganized department, operating as it does with the advice and assistance to the Commissioner of the State Board of Agriculture, many of the fundamental needs of agriculture and related industries have been served.

The Agricultural Code provides the most complete general system of legislation pertaining to agriculture and industries and related subjects which any state has heretofore enacted. It has been favorably commented upon by experts, not only in Alabama but throughout a number of the other states, and has been held out as an example of a convenient, comprehensive and well coordinated group of laws pertaining to the subject of agriculture, which other states would do well to follow.

In the organization and functioning of the Department of Agriculture and Industries under this Code, the specialized and technical nature of the work has been recognized in all phases. In carrying out the state's policies, as anticipated in this system of laws, it was desirable to secure the services of outstanding farmers of the state with broad visions of the needs and the work to be performed, as members of the State Board of Agriculture, to advise and assist the commissioner of agriculture in administering the important duties of the department. In line with this policy, I have appointed Messrs. Glenn Foster, W. F. Garth, S. M. Dunwoody, Clifton Kirkpatrick and R. J. Goode, Jr., as members of this board, consisting also of the commissioner of agriculture as ex-officio chairman, and the director of the Alabama Experiment Station as an ex-officio member.

Certain funds, which were necessary for the administrative and technical field work of the department and board, have been provided from the products and industries benefited and supervised through these laws. The inspection fees collected for the purposes of these services have exceeded the expenditures of the department during each year of the administration. This development and progress in agriculture and related subjects has been brought about without the expenditure of funds from the property taxes of the state treasury, and instead a surplus from the fees collected has gone into the state treasury. Thus, as opportunity for progress in the various agricultural and industrial lines affected has been made possible without creating an extra burden upon the state treasury or taking away funds needed for the progress of the state in other lines of endeavor.

Due to the broad field covered by the department and board in their work, I shall mention only a few of the services rendered:

The inspection of foods, drugs, feeds and fertilizers have increased over previous years and furnished improved and further services to the producers and users of these products in maintaining high standards of purity and composition values. Under the standards provided by the Agricultural Code and through the maintenance of these standards by the inspection services, the farmers of Alabama are receiving a commercial fertilizer with a higher percentage of plant food value than those of any other state in the Union. This inspection service has grown from year to year in such manner as to greatly decrease the adulterations of fertilizers and commercial feeds. Far reaching results have been obtained for the first time from the inspection of many foods and drugs. This same protection has been extended for the first time in the history of the agriculture of the state to farmers against the introduction of foreign an obnoxious weed and grass

XLVII

seed coming into the state with commercial feeds and farm seeds. It is also of interest that we note a stimulation to the dairy industry and the protection afforded producers in the sale of dairy products on a butter-fat basis, and the guarantee to the public against adulterations and the lowering of food value through the Department's inspection of dairy products.

I am pleased to note that the plants of the nurseries of the state, which are to produce the fruits and ornamental trees of tomorrow, are being rapidly brought to higher standards of health and productiveness, through the service of the technically trained men of the department. This service is holding in check the spread of insect pests and plant diseases, and is reducing their devastating affects in areas covered; as for example, the dreaded sweet potato weevil of the Gulf Coast region, which threatened the potato production of the entire state.

Due to the elimination of foul brood and other bee diseases and other assistance rendered by the department to beekeepers in improving the methods of production, the package bee industry of the state has risen to first position among the states and is bringing into Alabama thousands of dollars from the other states and Canada.

One of the greatest needs in profitable marketing of farm products is standardization and official certification as to grades and condition of carlot shipments at the points of origin and terminal markets. Much progress has been made in setting up standards for our agricultural products and in providing official certification, such as is being done for Johnson grass and alfalfa hays. In addition to standardization and certification as to grade of farm products, one of the pre-requisites to orderly marketing and financing of agricultural products, is a properly supervised warehouse system. Never before has the state set up a supervised system as is now in operation, and which has received wide recognition and approval of the banking systems of the country. This warehouse system has furnished aid in financing the orderly marketing of crops at the lowest rate of interest ever received by the farmers of the state.

One of the new services of the department and of the state is that of a weights and measures service. Through the operation of this service equal justice to buyer and seller has been established under able supervision of weighing and measuring devices. This service, which was never before provided, is doing pioneer work of the South along this line and has received high recommendation by the U. S. Bureau of Standards and by weights and measures officials of states engaged for years in this work. Among the services being rendered I will mention that of protecting the farmer against losses in the sale of his products; such as

XLVIII

cotton, and automobilists against losses from defective and improperly operated gasoline pumps. Reports of the work show an estimated loss to the farmers of more than \$400,000.00 annually, due to the incorrect cotton scales, and an estimated loss of \$340,000.00 annually to automobile operators, on account of incorrect gasoline pumps, at the beginning of the work. These instances furnish concrete examples of the savings to the public through the enforcement by the department along this line. In addition to the proper supervision of devices, further savings have been accomplished through the examination of the weight or measure of commodities sold in all lines of trade.

After experiencing the enforcement of these new laws by this newly organized department during my administration, I find that certain further legislation is desirable. The Department of Agriculture and Industries has so many different activities based upon the provisions of one Act that litigation of a technical nature is continuously invited and threatens to retard and handicap the work of the department. The inclusion of a part of the agricultural laws in the Code of 1923 and the omission of others, causes many questions to arise. I am therefore of the opinion that the public statutes of Alabama which pertain to agriculture and industries and related subjects should be codified. Since the constitutional provision, under which Article 40 of the Agricultural Code relating to drainage districts was rendered null and void by the Supreme Court of Alabama, has been amended so as to remove all constitutional obstacles to such an Act, I recommend the restoration of this important Act and adoption of remedial legislation to restore the legal status of bonds sold and purchased in good faith under provisions of the drainage Act.

I recommend for consideration the further use of the inspection fees of the department for the purposes for which they are collected in extending the services and their benefits to those who pay the fees and make it possible for the state to provide conditions most favorable for their legitimate and profitable operations.

THE PORT OF MOBILE

Through the amendment of Section 93 of the Constitution of Alabama which became effective November 22nd, 1922, the people of Alabama avowed, in most solemn form known to our Government, their deliberate purpose to promote, develop, construct, maintain and operate a seaport within the State, prescribing that such work or development should always be and remain under the management and control of the State, acting through a governing agency of the State's creation.

XLIX

In my inaugural message to your predecessor, the Legislature of 1923, it was said:

"The people of Alabama by almost unanimous consent at the polls decided that the State of Alabama should lend its credit to the building of a Port for Alabama at Mobile. Our people have great hope in this development. To my mind, this is the most important legislation with which you will have to deal. The people have been promised returns on their investment. You will be charged with passing the enabling Act carrying into effect the constitutional amendment In my judgment, a great day will dawn for Alabama when this port is completed. Every section will be benefitted, and the product of field and mine, of mill and factory, will cause our industrial life to throb with new energy. New markets will be opened—transportation will be cheapened and all our people will feel its benefits. We should not delay the matter unduly,—but every care should be taken to the end that the people will be assured that the matter is being carefully and properly handled This problem is ours; let us meet it thoughtfully, prudently, with the best advice obtainable."

The Enabling Act, designed to carry into effect the Port Amendment to the Constitution, became a law on September 18th, 1923, by Executive approval.

The Act directed the appointment, by the Governor, of three State Docks Commissioners, no two of whom should be residents of the same Congressional District. Under that authority, I appointed these three well-known business men to constitute the Commission: Mr. George Gordon Crawford (Chairman) of Jefferson County; Former Governor Chas. Henderson of Pike; and the Honorable Frank G. Blair of Tuscaloosa County. Though sincerely interested in the patriotic service to which he was called, Mr. Crawford found it necessary to accept for a temporary service only—until a satisfactory successor to him could be obtained.

General William L. Sibert, a pre-eminent Alabamian, was induced to succeed Mr. Crawford.

The organization of the Commission with General Sibert as Chairman was effected November 26th, 1923.

The Service and work of the State Docks Commission has been, in all respects, highly satisfactory; and the progress made toward the full development of the Port of Mobile has been as rapid as the magnitude of the approved plan would permit. This plan was so drawn as to provide for the ultimate expenditure of the entire ten millions authorized by constitutional amendment, and the lands procured are sufficient to meet the ocean terminal needs of Alabama for years to come. The people of Ala-

bama, in every way that approval may be manifested have shown their fullest confidence and unqualified satisfaction with the service the State Docks Commission has rendered and is continuing to render to the State and its people in the development, construction and management of the Port of Mobile.

In accordance with the requirement of Code (1923) Section 2559, the State Docks Commission, through General Sibert as Chairman, has prepared a full report to the Legislature of its acts, services and operations.

I herewith transmit that report: commending it to your careful consideration and respectfully suggesting that, because of its illuminating character and great importance, it be at once printed.

Whenever a government contemplates or enters upon a development or enterprise that is related to or affects commerce or commercial activities, the first consideration, inspired by the wisdom of experience, is the inquiry whether "politics" will be or become a factor, in any degree, in the creation or operation of that public facility.

Realizing, as I did and as any Governor would have done, that, if "politics" had any part, play or recognition whatsoever in the formulation or execution of the State's great design at Mobile, the most disappointing and unhappy consequences would attend: I determined, in the very beginning, that in no way or degree should "politics" have any consideration or influence whatsoever in the planning or the consumation of the development of the Port of Mobile.

Such was the original policy adopted by me; and it has been, without the slightest variation, adhered to.

The State Docks Commission also has consistently maintained a like policy in its service of formulating and executing the approved plan for the development of the Port of Mobile.

This policy has merited, as it has deserved and received, the unqualified approval of all who feel a patriotic interest in the State's welfare and who entertain a real desire for the success of the State Port at Mobile.

Conscious of the enduring wisdom of that policy as there applied; aware of the anticipated success that has attended its observance in the work at Mobile, I earnestly recommend that that policy be made permanent through appropriate enactment.

A bill, prepared with the utmost care, will be presented to you, in which the permanence of that policy will be assured through provisions investing the State Docks Commission with the power to fill vacancies in that body, subject to confirmation of their selections by the Senate of Alabama. The plan designed is, in substance, that provided in the Constitution for the

selection of members of the Board of Trustees for the University of Alabama.

The approved plan for port development has not been completely executed. Such a large part of the five million dollars already made available has been necessarily expended in moving railroads and purchasing land, that the remainder will not build a port capable of handling all of the typically different kinds of commerce seeking an outlet at Mobile. The five millions remaining of the amount authorized by constitutional amendment should, in my opinion, be made immediately available.

If the policy is continued and the Acts passed as presented to you by the Chairman of the Docks Commission, the port will soon be a reality. I cannot then too strongly urge the immediate passage of these measures, which will insure the completion of the Port and give the Commission opportunity for its operation.

In conclusion, may I say that the people of Alabama owe a debt of gratitude to General William L. Sibert and his associates for the efficient and economic manner in which they have administered the affairs of Port Development and from no source has a single criticism come, and this Department and its work is an outstanding feature of this Administration—and my hope is that no policy will be adopted by which they will be handicapped in bringing to successful conclusion our dreams of transportation..

COMMISSION OF FORESTRY

The task of establishing a new but urgently needed department without levying additional taxes was accomplished through the Forestry Act of 1923. For many years the citizenry of the commonwealth had been aware of the paramount necessity of public action toward developing and maintaining the forest resources of the state as an appropriate and profitable use of our extensive areas of nonagricultural land and as a measure toward the continuation of the forest and wood using industries which employ many thousands of wage earners. The Forestry Act recognized the highly specialized and technical character of this problem, and has been widely commented upon both in the United States and abroad as probably the best initial forestry legislation adopted by any State. Among its more important features are provisions for practical cooperation with the landowners, deferred taxes on timber grown under forestry management so that the principle of one tax for one yield may be applied to timber as to other renewable resources, and cooperation with the Federal Government in the prevention of forest fires.

In carrying out the State's forestry policy it was evidently most desirable to select a Commission of practical men with a

knowledge of the field to be covered and trained in business and executive affairs. As members of the Commission of Forestry provided for in the Act, I appointed Messrs. E. F. Allison, John L. Kaul, J. W. LeMaistre, J. Lee Long and W. M. Spencer. No special appropriation was required for compensation for these men who have willingly devoted their services in this important work without pay. The Commission elected as its Secretary and State Forester Colonel Page S. Bunker, a forester of broad and successful experience in private, municipal, state and federal practice and familiar with the organization and operation of public departments.

The technical, administrative and field work of the department, however, necessitated certain funds. These are provided for in the law by devoting the license fees from the industries that are most directly benefited to the work of renewing the resources upon which such industries are based. Within the state the forest industries have contributed the entire cost, notwithstanding that numerous direct and incidental benefits have accrued to the commonwealth as a whole. The restoring and maintaining of the forest resources of the state meanwhile afford these industries an opportunity for the development rather than the continued prospect of rapid decline. This development results in increased or retained property values such as manufacturing plants, timber stands, etc., the direct taxes on which, paid into the general fund, will more than offset the license fees devoted to the State forestry work.

The Commission entered into an agreement with the Federal Government whereby the latter supplies substantially half the funds expended in fire prevention. The allotment received for this purpose is equal to the highest awarded to any state. From a total of 36 percent of our forest land burned over, which was approximately the current average prior to the organization of the Commission's work, the proportion was reduced to 34 percent in 1924, 16 per cent in 1925 and 7 per cent in 1926.

The law authorizing the acceptance by the Commission of gifts of land as State Forests. Thus far three such tracts have been donated. These areas are used not only for demonstration and experimental purposes but also as outdoor recreational centers and have been visited by thousands of citizens. In addition to fulfilling their fundamental uses, therefore, State Forests also serve the purpose of woodland parks. While the utilization of park areas is recreational rather than economic, the protection, engineering development and administration of forest areas and wild land parks are substantially identical. In fact, as has occurred in various other states, the recreational use of State Forests apparently solves the question of state parks, especially

LIII

insofar as rough land areas are concerned; meanwhile from the administrative and fiscal standpoints but one departmental overhead is required.

I have been gratified to note the fiscal policy of the Commission of Forestry in limiting expenditures to purposes and objects of definite and immediate necessity. In fact, for the fiscal year ending September 30, 1924, over half of the appropriation was returned to the Treasury, notwithstanding that the Commission was strongly urged from various quarters to spend the entire appropriation. The same was true for the year ending September 30, 1925. The department is now a going concern and the entire amount available will necessarily be expended each year, notwithstanding rigid economy in the use of funds.

With the added information now available through the operation of the Forestry Act, various suggestions have been made as to further legislation. Among these are that the Commission be given jurisdiction over lands forfeited to the State through nonpayment of taxes that are of special value for State Forest purposes, that the balances in the State Forestry Fund at the close of the fiscal year be continued to the credit of the same fund during the ensuing fiscal year as was intended in the original Act, that the Commission be authorized to use unexpended and unobligated portions of the State Forestry Fund for the acquisition of State Forests, that the laws on timber trespass be made more specific and practical, and that the enforcement of the spark arrester law be vested in the Commission of Forestry.

ALABAMA PARK COMMISSION

With a realization of the importance of the health and happiness of our people, our National Government many years ago established the policy of reserving certain areas of the public domain for conservation and recreational purposes. Locations of great scenic beauty have become National Parks and other areas have been made forest and conservation reserves. Following the precedent set by our National Government the majority of the States of the Union have entered upon a policy of fostering a system of State parks. In 1901 when the Legislature created the Alabama State Department of Archives and History, it directed that that Department should, where possible, take over all abandoned town sites, old Indian mounds and town sites, old fort sites and any other historic or interesting points in the State and make of them public reservations or parks. The intent of that Act has been carried out throughout the twenty-six years of the Department's history to as wide an extent as the means at hand and opportunities afforded. However, the development of the public

park idea as now operating throughout the country, anticipates a wider public use of the recreational areas than dreamed of more than a quarter of a century ago. Acting upon information laid before me by the Director of the Department of Archives and History and by representatives of the National Conference on State Parks, on April 15, 1925, by Executive order, I created the Alabama Park Commission. The personnel of this Commission was selected from men interested in the great outdoor movement and natural conservation and a considerable body of data has been collected for future consideration.

Included in this material is information to the effect that the Governor holds ownership of a tract of above 1,600 acres in Cherokee and DeKalb Counties, known as May's Gulf, which is rugged in scenery, accessible by highways and located near a well developed summer resort section of the State. Congressman M. C. Allgood has secured the passage of a Congressional Act withdrawing this public land from entry and has had a nominal price fixed upon the acreage with the expectation that the State of Alabama will purchase the tract for one of its proposed State Parks. A bill to that effect will be presented early in the sessions of this body and I earnestly hope it will receive your favorable consideration. Other tracts of land affording unique and beautiful scenic attractions, suitable for park purposes, have been tendered to the Commission at very low rates or in some cases as gifts to the State. I, therefore, feel that the activities of the Commission during the brief period of its existence deserve commendation and should receive the co-operation of all of our people.

In order that every type of outdoor life shall be available for public use for recreational and conservation purposes, the Commission is inquiring into the possibility of securing on the Gulf, the now abandoned government fort, Fort Morgan, in Baldwin County, with sufficient acreage for a seacoast recreational center. Congressman Lister Hill, member of the Military Affairs Committee of Congress, is co-operating with the Commission looking to the best possible proposals from the Government to the State in regard to the acquisition of that location. The examples set out here are but a few of the locations that may, with proper legislative support come into possession of the State through the efforts of the State Park Commission and the Department of Archives and History. I strongly urge upon this Legislature the importance of enacting a law which will make the Alabama Park Commission an official body, giving it such duties and responsibilities and powers as will best carry out the intents and purposes for which it is created. The personnel of the Commission as now created serves without compensation but

LV

in order that the future personnel shall feel free to make necessary trips of investigation as to suitable sites, and to hold such meetings for conference as are necessary for the work, I suggest that an appropriation shall be made to cover the expense entailed in the performance of these duties. In order that a complete co-operation may exist between the historical parks reservations now delegated to the administration of the Department of Archives and History and the Alabama Park Commission, I advise that the plan of naming the Director of the Department of Archives and History as Ex-Officio Secretary of the State Park Commission be enacted into the law.

DEPARTMENT OF GAME AND FISHERIES

Splendid progress has been made in the protection, conservation, and rehabilitation of the useful forms of the wild life of field, forest, and stream, during the past quadrennium. The revenues collected by this Department from the sale of hunters, trappers, and non-resident fishing licenses, fines from game and fish violations, and revenues collected in connection with the sea food industry has shown a decided increase in the past four years over the preceding quadrenium.

Below is given the annual receipts from the above mentioned sources, and the disbursements for the several purposes for which these revenues were collected:

1923

	Receipts	Disbursements	Balance
Game and Fish Fund.....	\$41,557.19	\$18,746.85	\$22,810.34
Oyster Fund	7,699.42	4,483.08	3,216.34
Fish Hatchery Fund			
Total	\$59,256.61	\$23,229.93	\$26,026.68

1924

Game and Fish Fund.....	\$56,456.40	\$53,264.83	\$ 3,191.57
Oyster Fund	6,658.51	4,330.93	2,327.58
Fish Hatchery Fund	1,815.60		
Total	\$64,930.51	\$57,594.76	\$ 5,519.15

1925

Game and Fish Fund.....	\$72,334.28	\$54,957.97	\$17,376.31
Oyster Fund	\$11,893.84	9,488.94	2,304.90
Fish Hatchery Fund.....	3,583.55	5.00	3,557.55
Total	\$87,711.67	\$64,451.91	\$23,238.76

LVI

1926

Oyster Fund	11,671.68	6,185.99	5,485.69
Fish Hatchery Fund	3,071.85	2,838.49	233.36
Total	\$102,484.87	\$95,029.97	\$ 7,454.90

It would not be amiss also, to call your attention to the fact that the enforcement of the conservation statutes as relates to wild life resources, although our Department has the smallest force of any State in the Union, has led all of the States in the number of cases made and convictions obtained in proportion to the the number of wardens employed.

According to the quadrennial report recently submitted by the Commissioner of Game and Fisheries, there were convicted during the past quadrennium a total of 3,151 violators of the game protection laws. Of these 91% were pleas of guilty, and 97% of the remaining 9% who demanded trial in the courts of the State were convicted by the courts. These figures would indicate that the sentiment of the public is almost solidly behind the Department in its enforcement program.

The Legislature of 1923 upon the recommendation of the Commissioner of Game and Fisheries, created the Fish Hatchery Fund, the source of which revenues come from fishing violations and the small revenues accruing from the sale of non resident licenses. From these funds, Alabama's first fish hatchery was constructed in 1925, and put into operation. The successful operation of this our State's first hatchery is evidenced by the fact that every citizen of the State who made application for fish to plant in protected waters of his community received a consignment of fish for that purpose.

Alabama should have more fish hatcheries—at least one in each Congressional District of the State, but this cannot be done unless new sources of revenue for this purpose are found. My suggestion is that it would be well for this Legislature to impose a nominal fishing license fee on all males above the age of sixteen years with similar modifications and restrictions as are now placed on hunting licenses. Hunters, as such, through the purchase of hunting licenses contribute every penny of money to preserve, conserve and rehabilitate all wild life in the State, including fish, and in all fairness, fishermen as such should be expected to contribute their share of the revenues to perpetuate their sport and to afford them economic and profitable sport and a wholesome food supply.

There are thousands of acres of wild land in the State suitable for the habitat of useful forms of wild life, and the Department

LVII

should be equipped to restock these areas in the future. Indeed, this work has already been begun by the Commissioner of Game and Fisheries, with my approval, and during the past year \$20,000 of hunter's license fees were appropriated to plant deer and quail in suitable places in the State, the deer and quail being brought into the State from outside sources. This program should be continued and enlarged.

The fur industry of the State has developed into a great industry and last year more than two million dollars worth of furs were taken in this State. I call your attention to the fact, however, that due to inadequate laws relating to the fur bearing animals, it has been impossible for the Department of Game and Fisheries to collect the revenues that should be collected from this source. I hope that this Legislature will find ample means for the State to secure its just returns from the fur industry of the State.

SEA FOOD INDUSTRY

I want to call your especial attention to the necessity for adequate development of the sea food industry in Alabama's coastal waters. The 1923 Legislature provided a source of revenue for the continuous development of the sea food industry and these funds are held as they properly should be and carried over from year to year for the development of the industry. Alabama has long neglected a potential industry which should yield an income of not less than \$5,000,000 annually to the citizens of the State. It is my hope that you will give serious and favorable consideration to the recommendations given below, which have been given by the Commissioner of Game and Fisheries. These recommendations cover all phases of conservation work and have my unqualified endorsement.

RECOMMENDATIONS

1. The Department of Game and Fisheries should have full use of all revenues collected by it from the sale of licenses and the imposition of fines in game violations, and no part of it should revert or be converted to the general fund of the State.

The Department already has full use of all revenues derived from the sale of non resident fishing licenses and fines from fishing violations and all revenues derived from the sea food industry.

2. Sources of additional revenues for the purpose of adequately enlarging the Department's fish cultural program should be found. During the next quadrennium at least five additional fish cultural stations should be constructed to take care of the

LVIII

growing demands for fish in the protected waters of the State for restocking purposes.

3. The Commissioner of Game and Fisheries should be authorized to lease or purchase, as funds permit, adequate areas in the several counties of the State to be set aside especially as sanctuaries for useful species of game birds and animals, and raise such suitable species under natural conditions, trapping the surplus and planting it in depleted areas where they will thrive and benefit the public.

4. A closed season on edible game fish during the spawning season was enacted by the Legislature and approved by the Governor on September 29, 1923. Later, that section of the Act establishing a closed season was declared null and void by the Attorney General due to the fact that the caption of the bill was not broad enough to cover the section of the bill in question.

It is of the greatest importance that the principal species of our edible game fish be given an opportunity to propagate and reproduce each year, and to this end I am renewing the recommendation that the need for a closed season of not less than two months is indispensable.

5. Fishing devices other than hook and line, fly troll or spinner now legalized should be prohibited except in navigable bodies of water, not to include impounded waters on said navigable stream, and regulated under license for commercial purposes.

6. The Commissioner should be authorized by law under exceptional circumstances when from natural causes, climatic conditions or conditions arising through the carelessness, indifference or thoughtlessness of man to close such area or areas to hunting or fishing for such period of time as will give the desired species an opportunity to propagate and rehabilitate itself. For example there are a number of counties in the State where deer and turkeys are making an effort to come back. If protected from the gunner for a reasonable length of time these species of splendid game would appear in abundance. It would not be fair, however, to close the season for more than the regular statutory provision in those counties where the species sought exceptional protection, do appear in abundance, and where killing off the surplus seems to be both desirable and necessary.

7. Alabama has an opportunity in her coastal waters to develop an industry many times its present proportions. This state is now the only remaining State which clings exclusively to the antiquated method of removing oysters from the reefs and bottoms. One good "hand tonger" with a pair of "rakes" is able to remove about fifteen (15) barrels of oysters daily, while the Department has demonstrated during the past two years that

with five men operating two dredges with two (2) barrels capacity each, 380 barrels of oysters may be removed from the bottoms in three hours and twenty minutes.

Besides it is impossible for the hand tongs to handle their light crafts and fish oysters with hand tongs from the deep open waters of lower Mobile Bay. The result is that hundreds of thousands of barrels of the worlds best oysters which all these years should have been utilized for food have been left to develop and bury themselves by their own weight and die. If the State expects to do what it should do toward a proper development of its oyster industry it will have to permit dredging in the open deep waters.

The Department of Game and fisheries should be properly equipped with boats and barges for properly supervising marine fisheries of all kind and the planting of adequate quantities of seed oysters annually. In order for this to be done there should be a minimum of not less than \$25,000 appropriation for this work—such appropriation to be returned over a period of years from the increase of revenues from the sea food industries.

8. Alabama should not only have a closed season, a daily bag limit, and a size limit on its principal edible fresh water fishes, but should have a closed season and a size limit on its principal edible marine fishes.

9. Laws relating to fur-bearing animals are wholly inadequate to the needs of the State and the animals themselves. Our present laws provide for a trapping license of \$15 for the first trap and \$2.50 for each additional trap. With an inadequate warden force and because the very nature of the industry it is a matter of physical impossibility for the Department to ascertain who is legally and who is illegally trapping the State's fur-bearers. It is safe to say that with the number of trappers' licenses issued annually, not more than two per cent of the trapped animals are taken legally—while on the other hand thousand of skins and pelts are taken with dog and gun and a very profitable industry is maintained on a dollar county hunting license.

The result is that Alabama's wild fur-bearing quadrupeds are fast becoming depleted without the State getting scarcely any benefit. I recommend that the trapping of fur-bearing animals be restricted, and a commercial license imposed on all who would take fur-bearers and use their skins and pelts for commercial purposes.

ELEEMOSYNARY INSTITUTIONS

The Alabama Insane Hospital at Tuscaloosa is doing a splendid work for our insane. Under the able and efficient management of Dr. W. D. Partlow it has gone forward and by economy

LX

he has added to the equipment and buildings. It is now overcrowded, as I am informed, and he is unable to meet the demands upon him. I call your attention to his report and concur in his recommendations.

The hospital for the colored at Mt. Vernon is under the same management and it is functioning creditably. The State cannot be derelict in its unfortunate wards and I recommend a continuance of a liberal policy to these institutions. To me it has been almost miraculous how Dr. Partlow has operated these institutions upon the appropriation made for each inmate. It occurs to me that it would be well to have a committee appointed to visit these institutions and ascertain their needs and make recommendations accordingly.

INSTITUTION FOR THE FEEBLE-MINDED

Hard by the institution for the insane stands a new building, the institution for the feeble-minded. Only two units have been finished. Our other institutions are crowded with inmates who should be transferred to this institution. This cannot be done until more buildings are erected and I earnestly urge that the recommendations of the Superintendent be approved and appropriations be made for this worthy cause. More buildings are needed; a larger maintenance fund is required. I recommend further that the necessary funds be appropriated to adequately equip and maintain the institution. We owe a solemn duty to the inmates of this institution. That duty should be courageously discharged and no monetary consideration should stand in the way or check its humanitarian work.

SOLDIERS' HOME

The Old Soldiers' Home at Mountain Creek should be continued. The work done there is worth while and many old soldiers are being properly cared for.

STATE PRISON INSPECTION DEPARTMENT

This Department, under the direction of Dr. Glenn Andrews, has been managed in an efficient and constructive way. Your attention is invited to the bi-ennial report, with the hope that you will give it careful consideration for it contains a vast deal of information, which will probably be of assistance to you regarding certain institutions of the State.

There has unquestionably been a marked betterment in the general conduct of the jails, and the unfortunates, who have been confined in them, have generally speaking been humanely cared for.

LXI

While opposition has been voiced by some of the sheriffs to the present law governing the feeding of prisoners, unquestionably it has more than proved its value by the results obtained, and with a slight amendment, to meet the Appellate Court's decision, should be left intact.

Under this law the reports indicate that the prisoners have fared well as to their food, the sheriffs have been compensated amply for their services, and there has been a large decrease in the total cost to the State.

In substantiation of the benefit derived from this statute your attention is specially invited to the communication of the State Prison Inspector from Dr. F. F. Blair, Physician Inspector of Convicts, in which the following occurs:

"I have been closely connected with the Alabama State penitentiaries for the past twelve years. I was resident physician at Flat Top for four year, resident physician at Wegra for four years and for the past four years have been physician inspector for the Convict Department.

I have had an opportunity to study the convict and convict system thoroughly. A few years ago convicts from county jails would frequently reach the State institutions emaciated and anaemic, and when a man like this was received, he was either sent to the hospital or assigned to light work until he was sufficiently restored to strength to be put at hard labor. I am glad to state that such condition does not now exist, when we receive men now from the jails, they are in splendid shape and ready for work. During my tenure of office for the past four years as Physician Inspector of Convicts, I have not had occasion to relieve a man from work when received at the penitentiary from the jail on account of malnutrition."

This is in striking contrast to the statements made in the reports rendered by Drs. Bragg, Bush and Oates, who formerly were at the head of the State Prison Inspection Department, and who so severely arraigned the feeding of prisoners under the old fee system.

From the State Inspector's report, it will be noted that new and better jails are needed in a number of counties. Due to the excessive cost of material which goes into the construction of jails it is difficult to have properly constructed buildings erected in the small and sparsely settled counties.

The suggestion is offered and recommendation made by the State Prison Inspector that two or more adjoining or contiguous counties be authorized to unite in a district jail.

This strikes me as a suggestion well worth consideration and I recommend that you give the matter careful consideration.

LXII

It is again suggested that provision be made for releasing, at the time of arrest, misdemeanants, where moral turpitude is not involved, upon their own recognizance to report at a given time to a court of proper jurisdiction. It is argued "that a person at times is arrested for a more or less trivial offense and either conducted, or required to report, to the office of the sheriff and make bond and is released, and his name appears upon the register as having been committed to jail and a charge made for a day's food.

This works an injustice upon the person by stigmatizing him as having been committed to jail when such was not the fact; it makes it appear that there were a greater number of commitments to the jail than was actually true, and creates an economic loss to the State.

A considerable number of those who are held in jail for a varying period of time awaiting release on bond or otherwise, or being unable to make bond, are kept for trial, are also misdemeanants who are frequently compelled to remain in an unwholesome moral environment."

To relieve this the above suggestion is made.

I recommend that this be given your careful consideration.

It is further suggested that jail sentences be abolished except for contempt of court, and that the court be authorized in lieu thereof, in all cases not deserving of a sentence to hard labor, to parole the offender into the hands of a probation officer, and the prisoner be required to pay into the court at stated intervals of time a given sum until the fine and cost in the case has been satisfied.

It is recognized that confinement in county jails, for others than those awaiting trial, is illogical, and under prevailing conditions, where from necessity first offenders, those held for minor offenses and convicted and old offenders against the law are brought into close association, tends to beget crime rather than correct the tendency.

I recommend that you give this measure careful study and consideration.

COUNTY CONVICT SYSTEM

Through co-ordination with the State Board of Administration the Prison Inspection Department was given supervision over the county convict camps.

An inspector was appointed by the Board to visit these institutions. Regular monthly visitations were made and reports rendered on conditions found, with beneficial results.

Only seven of the counties of the State maintain county camps, the remainder leasing them due to the great cost of operation and unsatisfactory results obtained. I recommend that a

LXIII

careful study be made of the county convict system and a more uniform and systematic plan be worked out for the handling of county convicts.

ALMSHOUSES

The present system of maintaining individual county almshouses, for obvious reasons, is highly unsatisfactory and expensive. While there has been a growing interest on the part of the authorities in charge of these institutions, nevertheless the operation of small institutions with few inmates in scattered localities does not invite either economy or efficiency.

A bill was prepared and introduced into the last Legislature, dividing the State into four almshouse districts, and authorizing the several counties comprising each district to unite into one institution. This bill passed the Senate unanimously and was on the favorable calendar of the House, but by rush of legislation was crowded out.

The bill will again be presented for your consideration and it meets with my hearty approval and earnest recommendation.

The State Prison Inspector recommends the placing of sheriffs upon salaries and relieving them from the care of the county jails. He argues forcefully for this change, and points out the possible injustice which may arise from the present system to both the sheriff and to the people.

This would require a constitutional amendment, and I am inviting your attention to the matter in order that you may give it proper consideration.

Under a provision of law, authorizing the Governor to send the Prison Inspector into any State, county or municipal institution to make investigations when deemed necessary, use has been made of this Department several times during the present administration for this purpose in certain eleemosynary institutions.

Attention is drawn to this in order to point out the advisability of bringing these institutions more directly under the supervision of the State.

This Department has functioned most creditably under Dr. Glenn Andrews, and he has not only performed his duties as prescribed by law, but I have frequently called upon him to aid in mapping out policies for our eleemosynary institutions, such as the Girls' Training School. He has responded in all cases, and improvement has been made where his suggestions have been adopted.

I recommend that in some way this Department be authorized to keep in close touch with these institutions in an advisory capacity.

LXIV

PENSIONS FOR CONFEDERATE SOLDIERS

Nothing is closer to my heart than the Confederate soldiers and their widows. This administration has been able to be of material assistance to them as shown below:

At the beginning of my administration, January 1923, there were on the pension rolls of the State:

- 4,083 Confederate soldiers.
 - 1,491 Widows of Confederate soldiers over 80 years of age.
 - 3,285 Widows of Confederate soldiers between 70 and 80 years of age.
 - 2,141 Widows of Confederate soldiers under 70 years of age.
-
- 11,000 Soldiers and widows on pension rolls.

On January 1st, 1927, there were on the pension rolls:

- 2,407 Confederate soldiers.
- 1,545 Widows over 80 years of age.
- 2,715 Widows between 70 and 80 years of age.
- 1,448 Widows under 70 years of age.

8,115 Soldiers and widows on the pension rolls.

The roll of old soldiers has been depleted by death during the four years by 1,676. The roll of widows has been reduced during the same period in the number of 1,209, there being on the rolls January, 1923, 6,917 widows and on January 1st, 1927, 5,708. The total reduction of names on the pension roll during the four year period of soldiers and widows was from 11,000 names in January, 1923, to 8,115 names January 1, 1927, or a general reduction of 2,885 names. In January, 1920, or seven years ago, there were on the pension roll 5,434 Confederate soldiers and 7,661 widows of Confederate soldiers, or a total of 13,095 names. It is apparent from the above statement that within the last seven years the number of soldiers on the roll has been reduced by 3,027 or approximately 55%.

Notwithstanding the fact that there are 2,885 fewer names on the pension roll January, 1927, than there were January 1923, yet the amount paid out for pensions for the January quarter, 1927, exceeds by approximately \$10,000.00 the amount paid out January, 1923.

Under the law enacted September 6, 1923, the pensions to old soldiers were doubled and the pension to each widow on the roll was increased ten dollars per year. Under the provisions of the same law, all limitations as to property ownership, or income

LXV

were removed and the necessary prerequisites were fixed that any soldier or sailor who had been an actual bona fide resident of Alabama for five years immediately preceding the filing of his application and who could prove his actual service in a regular Confederate organization and his honorable discharge as a soldier, and the widow of any Confederate soldier who married her husband as whose widow she would have drawn a pension, prior to January 1st, 1904, and whose husband's service could be proved and who had been a bona fide resident of Alabama for a period of five years immediately preceding the filing of her application, was entitled to a place on the pension rolls of this State. The roll thus established became a roll of regard without consideration as to financial conditions.

Pensions are paid from receipts to the State treasury from the one mill soldier tax, supplemented by so much of the general fund of the State as is necessary to meet the requirements of the pension law.

For your information there is given below a statement showing by years for the past two quadrenniums beginning October 1, 1918, and ending September 30, 1922, and beginning October 1, 1922, and ending September 30, 1926. Total disbursements for pensions, receipts to one mill soldier tax, and balance necessary each year to supplement the general funds of the State.

	Disbursements for Pensions:	Receipts One Mill Tax:	Supplied from Genl. Funds of the State:
1919	\$ 933,727.20	\$ 646,678.61	\$ 287,048.59
1920	1,192,960.22	678,998.21	513,962.01
1921	1,290,618.82	706,272.39	584,346.43
1922	1,232,393.50	910,419.26	321,974.24
Total for Quadrennium	\$4,649,699.74	\$2,942,368.47	\$1,707,331.27
1923	\$1,149,249.00	\$ 985,398.43	\$ 163,850.57
1924	1,748,108.00	916,780.23	831,327.77
1925	1,584,293.00	944,126.19	640,166.81
1926	1,399,374.00	989,455.95	409,918.05
Total for Quadrennium	\$5,881,024.00	\$3,835,760.80	\$2,045,263.20
Excess over last Quad.	\$1,231,324.26	\$ 893,392.33	\$ 337,931.93

Receipts to one mill soldier tax for year ending September 30, 1926, and available for use for the present fiscal year amount to \$1,029,250.88. Considering the present status of the pension

LXVI

rolls as to number and classification, the general fund of the State must be requisitioned for approximately \$200,000.00 to pay the pensions not allowed by law.

The rolls of the old soldiers are fast being reduced and due to increasing age, the reduction will be proportionately greater during the next few years reasonably remaining to them.

The pension allowance to the old soldiers can and should be appreciably increased and the allowance to soldiers' widows can also be increased to a certain extent without adding much of additional burden to the general fund. Especially should the pension allowance to the older widows have your attention. Whatever additional allowance may be considered by you as proper should be made to the small remnant of fast disappearing "thin grey line" and to his worthy old companion who endured and suffered the hardships and trials of the sixties and who with feeble steps is tottering on down to the water's edge of life's last river. Provision should be had that the last days of "the brave and gallant few" and of the war widows should be protected with the comforts due to old age and against penury and want. In granting, however, any additional recognition to the pensioners, care should be taken that none of the present restrictions as to soldiers' service, length of residence in the State or date of marriage should be lowered. The pension laws of this State are more liberal in their provision of allowance and limitations than those of most of the Southern States and to weaken these safeguards to the pension fund would make on the one hand a field too inviting, subject the fund to an improper use and lower the standard of the pension rolls of Alabama which are now considered to contain only the names of those soldiers who actually served as soldiers and the widows of such persons. To allow it to be invaded by lowering in any way its high measurements would serve to destroy the general purpose in making it an expression of regard to those who deserve the State's devoted concern and highest honor. It is recommended that the law be modified so that the date of marriage shall not affect where the widow of a Confederate soldier subsequently marries another Confederate soldier and such soldier dies.

BANKING DEPARTMENT

A. E. Jackson, Superintendent of Banks, has rendered his report to me for the period ending September 30, 1926. Proofs have been submitted to the printer for printing this report in pamphlet form, and these pamphlets will be distributed to you as soon as completed by the printer. The printed report will contain statements of all of the State banks as published on October 15, 1926.

LXVII

A consolidated statement as of October 15, 1926 shows that the Alabama State banks are in a very liquid condition. Deposits were approximately \$132,000,000.00. All of the banks had cash and clearing house items of \$31,357,000.00, with secondary reserves in stocks and bonds of \$12,317,000.00, which makes a total of assets immediately available of \$43,674,000.00.

There was a surplus and undivided profits of \$12,315,744.69, against a capital stock of \$13,617,900.00. The entire summary of condition of Alabama State banks as of October 15th is as follows:

Resources:	
Loans and Discounts.....	\$113,721,415.89
Overdrafts	182,277.05.
United States Bonds.....	1,122,171.20
Other Bonds, Stocks and Warrants.....	11,195,151.46
Banking House, Furniture and Fixtures.....	4,611,556.94
Other Real Estate.....	2,622,256.50
Cash in Vaults	5,432,788.81
Due from Banks	22,751,993.69
Exchanges for Clearing House and Cash Items.....	1,732,295.42
Collections in Transit	1,440,786.55
Acceptances	814,931.77
Other Resources	353,312.70
Total	<u>\$165,980,937.98</u>
Liabilities:	
Capital Stock	\$ 13,617,900.00
Surplus	7,605,812.23
Undivided Profits and Reserves.....	4,709,932.46
Demand Deposits	84,091,638.13
Time Deposits	47,861,814.07
Bills Payable	5,662,994.44
Rediscounts	1,470,972.12
Acceptances	809,722.12
Other Liabilities	150,152.41
Total	<u>\$165,980,937.98</u>

Charters were granted to the following banks:

Paint Rock Bank, Paint Rock.

Wahouma Savings Bank, Wahouma Station, Birmingham.

Bank of Uriah, Uriah.

West End Savings Bank, West End, Birmingham.

Ariton State Bank, Ariton.

LXVIII

Marshall County State Bank, Albertville.
Eufaula Bank & Trust Co., Eufaula.
Farmers & Merchants Bank, Fort Payne.
Farmers Bank, Anderson.

There were two consolidations and one failure. The failed bank had only \$30,000.00 on deposit at the time of its failure.

Two banks changed from State banks to National banks:—The Alabama Bank & Trust Company of Montgomery, and the American Bank of Union Springs.

The Bank of Pittsview, Pittsview, and the Citizens Bank, Newton, voluntarily liquidated, all depositors and creditors being paid in full.

The Superintendent has on deposit in State banks \$33,510.11, which represents unclaimed deposits of banks that have failed for the past ten or twelve years. This amount will be certified into the State treasury after it has remained in the hands of the Superintendent of Banks for a period of three years.

The Superintendent of Banks will retire from office on February 1, 1927. He has included in his last annual report suggestions as to amendments in the banking laws, his four years' experience in office having proved to him that the laws could be changed to the advantage of the banks and at the same time make the supervision more efficient.

He recommends that the salaries of the Superintendent, Assistant Superintendent and Examiners be increased so that competent men may be obtained and retained.

That a penalty be imposed on banks failing to keep the reserve required by law.

The stockholders of State banks should be made liable for double the amount of their stock.

That the Banking Department be authorized to employ an attorney to represent the Superintendent in suits or indictments brought against him in the performance of his official duty.

That the firms not operating under the banking laws discontinue using the words "bank," "banking" or "trust company" or advertising so that the public might be deceived into thinking that the firm was operating as a bank.

That the office of the Superintendent of Banks be taken out of politics and the Superintendent be appointed by a banking board of competent and outstanding bankers, instead of by the Governor.

That provisions should be made for the Superintendent to employ attorneys to assist in the prosecution of bankers that violate the criminal law. It has been very hard to secure conviction of crooked bankers in Alabama.

LXIX

That it be made possible for the Superintendent with the approval of the Banking Board to remove incompetent bankers from office.

I recommend the report of the Superintendent to your most careful consideration, and desire to express my gratitude to this Department for the splendid manner in which they have administered the affairs during the past four years.

CREDIT OF THE STATE

Alabama's credit ranks high today. Our bonds have sold above par and are much sought after. During my administration, the State has sold \$20,000,000 of highway bonds and \$5,000,000 of harbor improvement bonds, making a total of \$25,000,000. The relative greatness of this amount of bonds can better be appreciated when it is realized that, in 1925, for instance, only New Jersey, Pennsylvania, Illinois, Missouri and North Carolina showed greater increase in outstanding bonds than Alabama. Despite the large total amount of sales, the relative credit of the State of Alabama is today better than it was when this administration came into office.

Numerous large investment houses which would not handle State of Alabama bonds four-years ago, now seek them. Many banks and many insurance companies own large blocks of Alabama bonds who would not consider them four years ago. The legal position of the highway bonds has been clarified to the great advantage of the State. No opportunity has been lost to impress on the investing public, and particularly on bond distributing houses, the great natural resources of the State, its present prosperity and future prospects, and the remarkable showing made in the retirement of highway bonds through the sinking fund created by constitutional amendment.

Competent authorities have expressed the opinion that the improvement in the State's credit brought about during the present administration has already resulted in large saving to the State, and that the ultimate saving can only be measured in terms of hundreds of thousands of dollars. A saving of $\frac{1}{8}$ of 1% per annum in interest rate perhaps does not impress the average individual as important. However, on \$25,000,000 of bonds such a difference, when compound interest is considered, would amount in twenty-five years to greatly in excess of two million dollars. It should be remembered that many of our bonds run for fifty years.

MUNICIPAL AND COUNTY BONDS

Unfortunately, the bonds of our counties and municipalities are not generally well regarded. This is due to the fact that our

laws have not been changed to meet modern conditions requiring large expenditures for roads, schools and other public purposes which can only be financed through bond issues. Theoretically it is impossible for an Alabama municipality to get in position where it cannot pay its debts.

An amendment to the Constitution expressing the intent of the people of Alabama that all debts shall be paid would clarify the situation and would, in the opinion of investment dealers,, result in a tremendous saving in interest.

It is a fact that our larger cities pay from $\frac{1}{4}$ of 1% to $\frac{3}{4}$ of 1% more for money than corresponding cities in neighboring states, while the small towns find themselves handicapped with excess interest charges of from $\frac{1}{2}$ of 1% to 2% per year.

Our laws governing the issuance of securities are found in various sections of the Code and are in many respects inconsistent. The Supreme Court has been called on to decide a number of such questions, while still other questions yet remain unsettled. To conform to modern practice, to improve our credit, and to greatly facilitate the sale of bonds by counties and municipalities, all laws relating to the issuance of bonds should be made to conform to the best practice and codified in one section.

I recommend that you appoint a small but well considered committee, charged with the duty of consulting with investment bankers, attorneys specializing in bond practice and municipal and county authorities, and report back a complete bond code to remedy the present situation.

The annual excess interest cost to the citizens of this State, attributed to improper statutes, is estimated at not less than \$500,000, which sum will grow larger as activity increases. As in the case of the credit of the State, possibly the uninformed citizen is only mildly interested in a reduction of $\frac{1}{4}$ of 1% or $\frac{1}{2}$ of 1% a year in interest charges. Nevertheless, the use of compound interest table shows that a reduction in interest rate from $5\frac{1}{2}\%$ to 5% would in thirty-five years extinguish the entire debt.

I believe that this is financially one of the most important questions to be dealt with by the State, yet the burden on the individual taxpayer is so small that it has not received proper attention in the past. The matter is one that should be handled by experts and the incoming Legislature has an opportunity to render the State an invaluable service by the proper handling of this situation.

BONDED INDEBTEDNESS OF STATE

The total bonded indebtedness of the State today is \$33,857,000.00, and should be carefully looked after by some one charged with this duty alone.

The Bond Commission has sold five series of Alabama Public Road, Highway and Bridge Bonds, aggregating \$23,000,000.00, leaving \$2,000,000.00 of the authorized issue unsold.

There have been sold five series of the Harbor Improvements Bonds, aggregating \$5,000,000.00, leaving unsold \$5,000,000.00 of the authorized issue.

All of these bonds were sold on a depositary agreement under a plan worked out by the State Bond Commission, on a deferred payment basis by which the purchasers of the bonds were to retain the deposits until such funds were needed by the State Highway Commission. Under this agreement the State was enabled to obtain a better price for the bonds.

The purchasers were permitted to withdraw the State bonds as sold by them and to substitute other securities, such substitution being made through a fiscal agent, the final approval being retained by the Bond Commission.

In order to ascertain the status of each account and the collateral held, as well as to know that the State was amply protected by the character and amount of securities held, it was necessary for the Bond Commission to designate some responsible person to perform these official duties. This has been done by Honorable Geo. W. Ellis, State Treasurer and we have relied implicitly on his judgment in these matters.

Of the \$23,000,000.00 Highway Bonds issued there has been retired \$2,700,000.00 out of the Sinking Fund set aside to care for these bonds. This duty has been performed by Mr. Ellis, who has kept in close touch with the bond market and has been able to buy bonds at advantageous prices, at a saving of over \$1,900,000.00 in interest prior to maturity of bonds.

Mr. Ellis has also looked after the extension of the certificates of deposits when funds were not actually needed by the Highway Department as fast as anticipated, and by such extensions from time to time the bond purchasers paid the State the rate of interest carried in the bonds. Under this arrangement there has been saved over \$50,000.00 that would have been lost had the money been collected and placed in bank depositaries, who are not required under the statutes to pay interest on daily deposits.

Mr. Ellis has splendidly performed a large amount of these extra duties without compensation, which the law never contemplated that he should do as State Treasurer.

During the incoming administration it is contemplated that there will be issued the remaining \$2,000,000.00 Highway Bonds, in addition to \$25,000,000.00 Highway Bonds to be submitted in April, and also the remaining \$5,000,000.00 Harbor Improvement Bonds. The duties of the State Treasurer are increasing each year and with this increased work, I believe the time

LXXII

has arrived for the Legislature to provide for the position of Bond Commissioner. If he performs his service as has Treasurer Ellis, he will save his salary many times over.

JUDICIARY

As has been truly said the highest concern of man on earth is justice, and it is vital to the welfare of the State that Alabama have a competent and independent judiciary. The increased high cost of living is such that judicial salaries are no longer attractive to lawyers of the highest ability, and several of the ablest judges have recently deemed it necessary, in justice to their families, to resign from the bench and re-enter private practice.

In view of the well known fact that living costs have approximately stabilized at an increase of 65 to 70 per cent over pre-war costs, it would be not only a matter of justice, but of wisdom that some adjustment of judicial salaries be made commensurate with the increased living costs. As is well known, the salaries of all Federal judicial officers have been recently substantially increased to meet such increased cost of living, and many of the States have also adjusted the compensation of the judiciary.

I, therefore, recommend that your Committee on Judiciary carefully study this question and recommend relief as they deem expedient.

PROPERTY PURCHASED BY THE STATE

A Board, consisting of the Chief Justice of the Supreme Court, the Governor and the Attorney General, have, after careful investigation, acquired by purchase the following property in the vicinity of the Capitol. The deeds to this property are in the hands of the State Treasurer:

1924	Name and Location	Warrant No.	Amount
Jan. 25	Mrs. Mary Kirgin, Bainbridge St.....	47333	\$ 8,375.04
Mar. 24	J. M. Starke, Dexter Avenue.....	52254	45,000.00
May 19	W. L. Van Pelt, Adams Street.....	56949	4,000.00
May 19	Miss Alice Fogleman, Adams Street.....	56950	4,000.00
May 22	Second Baptist Church, Adams St.....	57146	2,055.67
May 22	Second Baptist Church, Adams St.....	57147	17,914.33
May 22	Second Baptist Church, Adams St.....	57167	30.00
Oct. 18	F. O. McManus, Adams St.....	214	4,672.55
Oct. 18	G. P. McManus, Adams St.....	215	8,934.13
Oct. 18	Metropolitan Life Insurance Co., Mortgage on McManus property.....	216	2,751.89

LXXIII

1925

July 3 Ala. Lodge of Perfection Dexter Avenue	22144	42,500.00
July 3 Mrs. Annie U. Ford Dexter Avenue.....	22349	1,500.00
July 21 A. Franco, Dexter Avenue.....	23344	10,750.00
Aug. 11 Alfred A. Kohn, Monroe St.....	25628	1,800.00
Sept. 11 P. M. Nicrosi, Agt. Dexter Avenue.....	27855	8,140.71
Sept. 30 Mrs. E. J. Stowers, Mortgage on Van Pelt property.....	29741	2,070.00
Sept. 30 W. L. Van Pelt, Adams St.....	29742	4,891.87
Nov. 12 First Nat. Bank, Note, Jannay P.....	2622	330.79
Dec. 22 Mrs. Rose K. Cohen, Note Franco P.....	6176	100.32
Feb. 1 S. J. Cox, Mortg. Jannay P.....	9912	2,600.00
Apr. 30 First Nat. Bank, Note, Janney P.....	17283	326.37
June 5 Mrs. Rose K. Cohen, Note, Franco P.....	19873	100.00
June 24 Ethel Ramage, Adams St.....	22144	6,459.83
Aug. 31 F. M. Kohn & Sons, Agents, Slattery Property, Monroe Street	28552	7,423.81
Aug. 31 Morris Dreyfus, Mortg. McManus Property	28558	1,035.00
Sept. 9 Mrs. Effie Heime, Dexter Avenue.....	29147	14,341.96
Sept. 9 Mrs. Anneala Moseley, Dexter Avenue	29148	14,341.96
Sept. 9 Mrs. Lillie Cornelius, Dexter Avenue.....	29149	24,306.02
Nov. 1 First Nat. Bank, Note Janney P.....	649	321.03
Dec. 6 A. O. B. Nicholson.....	4671	4,851.45
Dec. 6 Jno. W. Tullis.....	4672	560.00
Dec. 6 E. G. Salter.....	4673	17,490.00
Dec. 6 Mrs. Rose K. Cohen, Note, Franco P.....	4720	100.00
Dec. 20 Alice N. Doyle, Adams St.....	5636	9,000.00

1927

Jan. 4 Agudath Israel, Monroe St.....	7567	15,750.00
Jan. 4 Baldwin		36,500.00

Total		\$325,324.73
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NOTE: Under the head of "BOARD OF ADMINISTRATION" reference was made to the purchase of certain farm lands, which purchase was made during this administration.

VETERANS OF FOREIGN WARS

This State has not properly recognized the Veterans of the Spanish-American War and the Veterans of the World War. I realize that so long as we have a Confederate soldier or widow

LXXIV

of such soldier, the State is unable to pension the Spanish War or World War Veteran. Nor do they ask for or desire such pension from the State at this time. But I believe they are worthy of such recognition. In order to aid the American Legion in its organization and the Spanish-American War Veterans in their organization, I recommend:

1. That \$3,000.00 per annum be appropriated to the American Legion to assist them in their organization, payable to the proper officer designated, to assist them in the administration of their organization and in securing aid and assistance to the unemployed veterans who are worthy.

2. An appropriation of \$2,000.00 to the Spanish-American War Veterans to aid them in the same manner in perfecting their organization and looking after those of their organization who are worthy.

3. That in one of the buildings recently purchased a room or office be set aside as the business office of these organizations.

In this manner we give recognition to these men who served faithfully in war, and aid them in these days of peace in their efforts to serve their comrades in war. To my mind, this will be a feeble tribute, however, small, to well-earned service by the men who served their country in war.

MAYFIELD'S WORK ON THE CONSTITUTION

To my mind, no greater statesman or jurist passed from this State than the late James Jefferson Mayfield. He was a Jeffersonian Democrat; he believed in the Constitution and adhered to its teachings. He believed that our people were drifting from the Constitution and wrote a book on the Constitution, which is regarded as a great reference book on this great document. Believing that our youth should know more of the Constitution and its bearing on government, I respectfully recommend that \$5,000.00, or so much thereof as may be necessary, be appropriated to the Educational Department to purchase the remaining copies of Mayfield's work on the Constitution and that these volumes be distributed to every college and school library, both city and rural, in the State, as a reference book on the Constitution, thereby giving opportunity to the boy and girl to acquaint themselves with the great document upon which our government was founded.

PAROLES

In handling this question I quote from a speech I recently delivered:

"Perhaps I have received more criticism from exercising the parole power than any other act. The spirit of forgiveness and restoration to home has been freely exercised. In my opinion, this matter of parole is not fully understood.

First, let me say that the parole is only issued to a man after he has served a part of his sentence and only gives him an opportunity for reformation. Unlike a pardon, parole is issued during good behavior and in every instance where a man violates his parole and misbehaves or shows a disposition to violate the law, he is returned to prison and required to serve out his full term. I do not recall an instance where I have paroled a violator that was not recommended either by the Trial Judge, the Solicitor or the Board of Pardons, besides leading citizens in the community.

If you could be in my office and see the number of women and children in absolute want, who are objects of charity, appealing for their husbands and fathers, your heart would be touched, and it is gratifying for me to report that literally scores of men under this system with the parole hanging over them, who have returned to their homes, have their children in school, are supporting their families and are crusaders for law enforcement. There are instances where some men have not lived up to their parole and I have instantly revoked the parole. In my opinion, as the facts will demonstrate, this system of paroling has returned many former law breakers back to their families and is making out of them law-abiding citizens. It is my purpose, as far as I can, to reform these poor unfortunates and give them an opportunity in life to reclaim themselves. The spirit of our churches is that no matter how steeped in sin a man has been, if he is truly penitent, they extend a helping hand to restore him and show a forgiving spirit. The parole gives him an opportunity to reform.

It has been a source of gratification to me to visit the homes of many of whom I have paroled and find them law-abiding and in many instances, Christian citizens, because they have been given a chance. The parole is held over them in case they wander from the path of rectitude and right. Many people think the parole is a pardon and are under the impression that no restraint is over the paroled man and that he is paroled on the plea of law violators and those not interested in law enforcement, but it might be interesting to you to know that there is hardly a day that ministers of the Gospel, of every creed and faith, are not in my office appealing to me to give those poor unfortunate men a chance by trying them out under the parole system. In order that you may know that I am keeping up with these men, I have issued an order to my Law Enforcement Constabulary to report

to me the conduct of every paroled prisoner in every county in Alabama. I have furnished to them a list of these paroled prisoners and I am receiving reports as to their conduct. Where they are not being reformed and are violating their parole I immediately revoke the parole, and return the convict to prison, requiring him to serve out his full term.

I would like to have an opportunity to show to some of you the homes of these paroled men, that was a den of iniquity, and now a home of peace, quietude and happiness. I consider that the outstanding feature of my administration has been the reformation of many men who were handling liquor, and who have gone back home under the parole system, reformed men, co-operating with those who are determined to enforce the law. We are using every agency possible to enforce the law and when we can reform a man by giving him a chance and sending him back home to his family a reformed man, holding the parole over him in order to accomplish this, I think we are doing much for the purification of our country, the betterment of our citizenship and the enforcement of our laws. If any person will indicate to me any individual whom I have paroled, who is not living a clean, upright life, he will be immediately returned to prison to serve out the remainder of his term, upon the proper evidence of course. It seems to me that this answers the question as to whether or not the system I am using is conducive to law enforcement.

I can show you file upon file of applications for paroles that are signed by ministers, as stated above, and I am besieged every week by the best men of the community to parole prisoners whose families are almost destitute.

Taking into consideration the fact that this administration is handling more convicts, due to the strict enforcement of the law, and that every application for parole is endorsed by either good citizens, trial judges, solicitors, and the Board of Pardons, do you not think that every inducement should be offered a man to reform, save his family and his soul? If my theory is not correct, then my religious training has been of no avail.

Because a man has sinned is no reason that he cannot be forgiven, reform his life and make a good citizen. I am determined to enforce the law, but in its enforcement I do not think that penal servitude is for punishment alone, but is intended to reform the man and to deter others from committing crimes. My heart and my efforts are to rigidly enforce the law and drive out those things that tend to break down our civilization, our homes and our churches as well as our communities. The record is being made to be read of all men and I think that at the close of my administration, I will be able to demonstrate that under the parole system, I have done more to give respect to law, enforcement of

law and the reformation of some of our citizens by the parole system than by any other method I could have used. When a man goes out after having served his full term, there is no inducement for him, so far as punishment is concerned, to be reformed. If, however, he has served all of his term except a few months or weeks, and that still hangs over him and he goes out with the sympathy of the officials, in nine cases out of ten, because of that parole hanging over him and the danger of having to serve out the rest of his term, he turns about and forms habits that eventually develop him into a good citizen. If this is wrong, then I am guilty, but as long as I can reach down and help a poor fellow to a better life and better citizenship, it is my intention to do so. What we need in this State is more cooperation on the part of our citizens, for the enforcement of the law. If all of our people would quit purchasing liquor from these poor, ignorant distillers, they would not then encourage them to make it, there would be fewer paroles for the Governor to issue. What we need is a sentiment among respectable people to frown upon the purchase of prohibited liquors and not create a market to encourage the sale thereof.

In July of last year I received a letter from the late lamented Dr. W. B. Crumpton, the great pioneer in humane work, who has gone to his final reward, enclosing a letter from one of his friends criticising me severely for using the parole. I outlined to him my policy and when he had read my views, he wrote the following letter to some of the newspapers in Alabama. I use it now to show that this man of God believed that it was "human to err, divine to forgive."

'Mr. Editor:

There has been much criticism of our good Governor Brandon about the number of convicts he paroles. One of these criticisms from a good man reached me and I submitted it to the Governor. In his reply to me he makes his position so clear and praiseworthy, I asked his permission to broadcast it through the press.

This he cheerfully agreed to do and I submit it to you. It is a matter of wide-spread interest, I think the people ought to be informed about it. Will you kindly aid in giving it publicity? I will be grateful if you will and it will be pleasing I am sure to your readers.

The Governor's policy is so hedged about and discriminatingly administered only good can come from it.

Thanking you in advance for the use of your columns, I am

'Your fellow citizen,
(Signed) W. B. Crumpton.

July 25, 1925.'

LXXXVIII

In Alabama prisons we use the honor system. A man is classified and if after three months his conduct is good and he obeys the regulations and rules of the prison, he is taken out of stripes and classed "A". As long as he continues to have good conduct he remains in Class "A". I recall no instance where a man or woman who has been paroled who was not in Class "A". Now if a prisoner proves in prison that he is a reformed man, obeys the regulations and lives an upright life, is this not evidence of his intention to lead a new and better life? To my mind it is, and if the Man of Galilee could forgive the thief on the cross, the Governor of Alabama can well afford to follow His example and give the unfortunate a chance to reform."

I have issued many paroles and am gratified that more than 90 per cent are making good citizens.

As required by law I transmit to your body the order issued in each case in which clemency is granted and my reasons therefor.

CONCLUSION

In conclusion I desire to say that in this cursory way I have tried to review in part the activities of the State and make, in part, an accounting of our stewardship. I think a close study of the records will show that our promises have been fulfilled. Every effort has been put forth to bring peace and happiness to our people. I have had many responsibilities—I have made many mistakes—No man is free from mistakes—But I leave the high office which was given me acquitted at the bar of my own conscience of having done my best in the discharge of my duties. I have been ably assisted and I desire to make public acknowledgment to the Legislature of 1923, who co-operated with me and passed the laws that have meant so much to the progress of the State.

To every department of State Government, from chief to employee, who made it possible to accomplish what has been done, I owe a debt of gratitude, and to them is due what success we have attained. We have worked in harmony and all have been faithful to their trust and honest in the discharge of their tasks.

To my Private Secretary, Honorable A. L. Tyson, I am perhaps more indebted than to any other person. He has, in season and out of season, been my strong, right arm. I have leaned upon him in every emergency; his services have been efficient. To him is due the credit for the repairs of our historic capitol. His business sagacity, his unselfish devotion, his faithfulness to every trust has endeared him to me, and no man has contributed more to the administration than has he. I am under deep personal obligations to him, which can never be repaid.

LXXIX

The other members of my office staff have been faithful and efficient and to all I make my acknowledgments.

God has been good to us during my administration. There has been no clash between labor and capital. There has not been a single riot or mob. Prisoners have received fair trials. I have had no occasion to call upon the militia to quell riots or enforce the law. Our people are busy and happy. For these things I am profoundly grateful to that Divine Ruler who governs the Universe and to whom I go in each and every instance for strength and guidance.

Trusting that your session will prove harmonious and that your deliberations will redound to the good of our beloved Commonwealth, I am,

With great respect,

Sincerely yours,
WM. W. BRANDON,
Governor.

GOVERNOR'S MESSAGE

To the Legislature of Alabama:

I want my first expression to you to be that of my grateful appreciation of the generous confidence and whole-hearted co-operation that your body has extended to me since you first met in special session.

It is my most earnest hope that this team-work will continue throughout our administration. I am anxious to help you as I am to have you help me.

I shall freely communicate to you in all candor my ideas on matters that are of interest to the State and earnestly ask that you, in turn, share your opinions with me. Working together this way will give the State the benefit of whatever wisdom there may be in the composite mind of us all.

Our Constitution accords to the Executive this privilege of communicating to the Legislature his ideas affecting the interests of the State. Our custom makes the first executive message the synopsis of the programme of the incoming administration. Availing myself of that constitutional privilege, and in conformity with that custom, I now call your attention to the more important matters that to me seem to need your consideration.

EDUCATION

Our educational needs are known of all—these needs we must supply. Our great problem is how. At the outset of the problem, let us determine that it shall be solved, then devote our energy to working out the details. There is now in course of passage an emergency appropriation bill which will give our grammar schools a minimum term of seven months. I earnestly ask the prompt passage of this bill for there must be an equalizing of the educational opportunities of our white children, and this is the way to do it. Not by taking anything from anybody, but by adding this to those most in need. Our proposed emergency appropriation to secure seven months session of the current term of our common schools should be put through quickly for if this relief is not immediate it will be unavailing but this is only a temporary relief, and this temporary relief plan must not be taken forward or incorporated into our permanent plan. In our permanent plan, education must advance all along the line, developing the whole system harmoniously.

For its own protection, the State must see to it that every normal white child is put through the grammar grades. Not one of these grammar schools must even be permitted to run a less term

than seven months. During the administration these terms should be brought up to as much as eight months and a seventy-five dollar minimum should be reached in the pay of their teachers. A junior high school should be accessible to every child and each county should have as many senior high schools as are necessary to serve the children of the county. In these high schools vocational training and domestic science must be stressed, thus fitting their pupils for life's work. Surely the normal children that pursue the straight and narrow path should be given as good equipment for life's work as is given to delinquent children committed to reform institutions.

I believe that we receive more immediate returns from the money spent upon our normal schools than we do from any other educational expenditure and that if there be one educational need that is now more pressing than are the others it is the need of our normal schools. We are undertaking to provide an adequate educational system for the whole State. The working out of these provisions will necessarily extend over a few years but the provisions will avail little if we have not prepared the teachers to take the places that we are going to provide.

Our higher institutions must be enabled to fulfill their respective missions.

Throughout our whole system the increasing of the earning power of the pupils must be stressed. The high paid places in the industry of Alabama should be filled by the output of educational institutions of our own.

I have heretofore called to your attention the fact that the cost of our school text books is greatly in excess of that cost in other Southern States—the cost of basal text books in our seven grammar grades exceeds the average cost of the basal text books in the same grades in those other States by more than fifty-eight per cent. I suggest as a remedy a change in the present method of selecting the State Textbook Commission.

Our educational program must not be confined to the men and women of tomorrow, but must include those of today. We must take knowledge to those who will use it now; our demonstration agencies, extension services, and vocational training activities all bring immediate returns. They raise our earning power and our standards of living. We must avail ourselves of the opportunity afforded by these agencies for immediate betterment and increase their fields of usefulness by making the needed provision for their extension.

The States Trades Training School, located at Gadsden, is a part of our educational system, and an important one. It is an effort on the part of the State to give to our white boys the same training now being given the negroes at Tuskegee. I express the

LXXXII

hope that sufficient funds may be found to equip and maintain this school on an efficient and growing basis.

One of our most efficient and useful institutions is the Boys Industrial School, at East Lake. Its present high standard should be maintained.

The Girls Industrial School, at Birmingham, is not, in my opinion, accomplishing its intended progress. This institution should be placed under the management and control of the State and provision should be made for giving its inmates such a training as will fit them to earn an honest living and become useful citizens.

The Deaf, Dumb and Blind Institute, at Talladega, is in charge of a devoted and loyal corps of workers, but in my judgment the provision made for it is inadequate, both as to plant and upkeep. I recommend that ample provision be made for its needs.

The Industrial School for negro boys, near Montgomery, is doing good work and is well managed. Its needs are being met by its present appropriation, and I recommend its continuance.

HEALTH

We take great pride in the progress Alabama has made in health service. Our system has been accepted as a standard by other States and nations. We should speedily extend this system throughout our own State.

MOBILE PORT

It is a matter of congratulation that at this session you have passed the Mobile Port Act, thus enabling General Sibert and his associates to complete our port and give to our agriculture, commerce and industry an open gateway to the markets of the world.

ROADS AND BRIDGES

The action you have already taken at the Extra Session in the passage of the Gasoline Excise Tax and submitting to the people the Constitutional Amendment providing for the issuance of Road and Bridge Bonds, assures the continued building and maintenance of roads and bridges.

Our road needs are so urgent that we must devote to them every available asset; not only the money to be derived from the Gasoline Tax, but convict labor and the proceeds from the Road and Bridge Bonds.

Existing law is sufficient to enable the Executive to properly control State Convicts and remove them from the present employ-

LXXXIII

ment to such other employments as may be deemed wise. This control should be extended to our County convicts, and this will require action on your part in enacting such legislation as will give this control and will care for the interests of the counties.

When the Road and Bridge amendment has been ratified by the people, it will be necessary for you to pass an enabling act authorizing the issuance of these bonds.

The preservation of our roads is as important as is their construction and maintenance. We should not permit a greater weight pressure on the road than it is able to bear. Many of our roads are being destroyed for lack of this kind of protection, and I recommend that you enact such measures as will not unduly hamper business, but will prevent the destruction of our highways.

I also recommend that you enact such laws as will secure safety on the highways, including uniformity in speed regulations, width of vehicles and traffic rules.

Busses should be made common carriers, and the Public Service Commission should be given jurisdiction over them, under such regulations as you may see fit to prescribe.

THE JUDICIARY

There is too much delay in the administration of both civil and criminal law. We are accustomed to approach this subject from the wrong angle, and seek relief by increasing the number of our judicial officers, rather than by simplifying the rules of procedure. Courts ought to administer the laws, rather than make or unmake them. Simplifying procedure eliminates judge-made law, reduces the number of judges necessary to apply the law and expedites its administration. An under-paid judiciary is a poor economy. It is better to increase the pay of judges than add to their number.

CHILD WELFARE

Much good and constructive work has been accomplished by this important department, and the effort to connect the State activities with county aid is meeting with encouraging success, but the responsibility of the State, as such, towards its disadvantaged children, has not received the consideration which it deserves. Since the last appropriation was made to this department, it has been deemed advisable by the Child Welfare Commission to take over the child-caring for and child-placing work. This added burden has been inadequately met by the public subscription, therefore, I recommend a substantial increase in the support now accorded this department. The very efficient di-

LXXXIV

rector of the department will be able to furnish you the details, and her wishes in respect to your support of the department I commend to your favorable consideration.

THE DEPARTMENTS OF CONSERVATION

We have two departments of conservation, the Forestry Department, and the Fish and Game Department. There is so much in common in the end sought to be attained by these two departments, and such an overlapping of their activities, that their co-ordination should engage your careful consideration. I call to your attention the recommendations in the quadrennial report of the Commissioner of Game and Fisheries.

COUNTY AND MUNICIPAL BONDS

The unnecessarily high interest rate being paid upon our county and city bonds is costing our people many millions of dollars. It is easily possible to save this great and unnecessary expense and at the same time establish a credit in the bond markets for these branches of government that will enable them to dispose of their securities at a lower interest rate and at par value. To accomplish these results will require legislative enactments and perhaps constitutional amendment. I suggest the raising of a joint committee to investigate the matter and recommend to you the necessary legislative action. .

MUSCLE SHOALS

I have heretofore called your attention to the necessity of ascertaining, declaring, and protecting the State's interests in the Muscle Shoals water power, and I again urge upon you the necessity of prompt action by raising a committee, or taking such other action as you deem best to protect Alabama's interests.

THE FEE SYSTEM

A fee system is fundamentally bad. I recommend that you submit a constitutional amendment, to be voted on at the next general election, authorizing the Legislature to place any officer upon a salary at the expiration of his term of office.

WORKMEN'S COMPENSATION LAW

The workmen's compensation law should provide a shorter waiting period, higher rates of compensation, and increased medical and hospital benefits.

A Workmen's Compensation Commission would, I believe, many times pay its cost in the added benefits it would bring to those for whom the law was intended.

LXXXV

OFFICIAL ECONOMY

I commend to your consideration the more definite regulation of the expenses of and allowances to public officers and employees. It seems that every one working for the public expects an automobile, bought and maintained out of some public fund.

SUNDAY

We should protect our Protestant Christian Sunday, and prevent it being commercialized by amusements operated for gain.

REPRESENTATION

I believe it is your duty to carry out the provisions of the Constitution upon reapportionment of representation in the Legislature.

AUTO TITLE CERTIFICATE LAW

I recommend the elimination of the nuisance features of the automobile Title Certificate Law.

PRESIDENTIAL PRIMARY

I recommend the repeal of the Presidential Preferential Primary Election Law.

CONFEDERATE VETERANS

The Soldier's Home is filling well the purpose for which it was erected. It should have your continued support. One of the most sacred privileges of the State is to care for the necessities of the "Soldiers of the Sixties," and their widows. In relieving their necessities, we are not commercializing their patriotism by putting a moneyed value upon their services. Since their numbers are lessening while their necessities are increasing, we can enlarge the aid given each without increasing the aggregate expenditure.

FINANCE

To supply the urgent needs outlined above will require the raising of not less than three millions of dollars in addition to that now coming into the State Treasury. We should not expect any additional revenue from ad valorem taxes on tangible property. In the aggregate these valuations are bearing their full share of the burden. While equalization will raise some property valuations, the depressed agricultural conditions will require a

LXXXVI

reduction of the burden now being borne by some of our farm lands. I do not think I should in any wise undertake to dictate to your body the sources from which the additional revenues should be derived, but should in every way cooperate with you in the accomplishment of the necessary results. This is our greatest task and should have the right of way. I suggest that the Ways and Means and Finance committees, availing themselves of the advice and counsel of their fellow members, immediately begin their work, and that a very early date, the Legislature take a short recess, in which time these committees determine upon and formulate the measures necessary to raise this required revenue, and that upon your reassembly, your continuous undivided attention be given this subject until it is accomplished. Alabama can afford all the millions of dollars that her necessities demand, but she can not afford one penny that is not necessary.

In conclusion permit me to again congratulate you upon the auspicious beginning of the assumption of your responsible and arduous duties, and to express an earnest desire that in all your deliberations you will be guided by Divine Wisdom, and that abundant success may crown your labors.

Respectfully,

BIBB GRAVES,
Governor.

GENERAL LAWS
(AND JOINT RESOLUTIONS)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
SESSION OF 1927

GENERAL LAWS

No. 1)

(H. 28—Grove

AN ACT

To give effect to the amendment to Section 93 of the Constitution of Alabama adopted at the November election, 1922, enabling the State "when authorized by appropriate laws passed by the Legislature, to engage in the work of internal improvement, of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction at a cost not exceeding ten million dollars"; continuing the authority granted the State of Alabama in Chapter 44, Article 4, of the Code of 1923, to engage in the work of internal improvement of promoting, developing, constructing, maintaining and operating all harbors or seaports within the State or its jurisdiction, including all kinds of terminal facilities at seaports, and therein and thereafter to borrow money through the issue and sale of its bonds, or otherwise therefor, but not to exceed in the aggregate ten million dollars; to prescribe the powers and authority of the State in respect to said development; continuing an agency of the State known as the State Docks Commission, preserving the terms of office of the existing members of the State Docks Commission, providing for the election, subject to confirmation by the Senate, and/or the Governor, of members of the State Docks Commission, including the participation by the Governor in the election of members of the Commission under certain circumstances provided; to provide for the management and control of all of said operations by said agency; to prescribe and define the powers, duties and jurisdiction of such agency, including, among other things, the leasing of real estate within the boundaries of the State Docks area and exempting from State, County and municipal taxation structures and improvements as well as all permanent facilities erected, installed or located, within said boundaries, by lessees, their successors or assigns, for the period stipulated in such leases, and including the exercise of the power of eminent domain, and, among other things, to make rules and regulations concerning the licensing and disciplining of pilots, fixing pilotage fees, promulgating rules and regulations for the operation and maintenance of any seaport or harbor within the State, preventing and penalizing obstruction of any harbor or seaport, providing suitable penalties for the violation of any rule or regulation established by said Commission under the authority of this Act; to confer upon said agency the power and authority to fix reasonable charges for services rendered pursuant to this Act by the State, or under its authority, and for the use of its facilities acquired or constructed under authority of this Act, to require all persons and corporations rendering like services or furnishing similar facilities, to make charges therefor at least as great as the reasonable charges fixed by such agency; to establish harbor lines and to grant licenses to riparian owners to erect aids to navigation; to regulate generally the acquisition, construction, development and operation by the State of harbor improvements; including, among other things, all kinds of ter-

minal facilities at seaports; to repeal all laws in conflict with this Act, and expressly repealing the following sections of the Code of 1923, viz: Sections 2427 to 2517, both inclusive.

Be it Enacted by the Legislature of Alabama:

Section 1. The authority and power granted the State of Alabama in Act approved September 18, 1923 (which Act is codified as Chapter 44, Article 4, in the Code of 1923), to engage in, through the agency hereinafter provided and designated and such other agencies as hereafter may be provided by law, works of internal improvement of promoting, developing, constructing, maintaining, and operating all harbors or seaports within the State, or its jurisdiction, including the acquisition or construction, maintaining and operating at seaports of harbor water craft and terminal railroads, as well as all other kinds of terminal facilities, provided that such work or improvement and facilities shall always be and remain under the management and control of the State through the governing agency hereinafter provided and designated, or such other governing agency or agencies as hereinafter may be provided by law, and provided further that the entire cost to the State of engaging in such work or development shall not exceed the sum of ten million dollars; are hereby continued.

Section 2. The existing State Docks Commission—heretofore created, empowered and provided for by the Act approved September 18, 1923 (which Act is codified as Chapter 44, Article 4, in the Code of 1923)—is hereby continued. Such Commission shall consist of three members, no two of whom shall be residents of the same Congressional district of the State. The members of the Commission as now constituted shall hold office until their respective terms expire under the existing law and until their successors shall be elected or appointed and confirmed as hereinafter required. When a vacancy shall occur on the Commission, by expiration of term of office, by resignation or death of any member, the remaining members of the Commission shall elect his successor, provided that any Commissioner or member so elected shall hold office and exercise the powers thereof from the date of his election until his confirmation or rejection by the Senate, and if confirmed, until the expiration of the term for which he was elected. Provided further, that in the event the Senate is not in session at the time of said election, such election shall be subject to temporary confirmation by the Governor, effective until such time as the Senate shall convene; whereupon the Senate shall proceed to consider his final confirmation. Should the remaining Commissioners be unable to elect the new member within ten days after a vacancy occurs, then the Governor of the State shall act as ex-officio member of

the Commission for the purposes of election. If two vacancies should exist in the membership of the Commission at the same time, the Governor and the remaining member of the Commission shall fill such vacancies. In case three vacancies should exist in the membership of the Commission at the same time, the Governor shall fill such vacancies by appointment, subject to the confirmation by the Senate, as herein provided. At every session of the Legislature, the Secretary of State shall certify to the Senate the names of all who shall have been so elected or appointed since the last session of the Legislature and the Senate shall confirm or reject them, as it shall determine is for the best interest of the State. If it rejects the name of any member so certified by the Secretary of State, the Senate shall thereupon certify in writing to the electing or appointing agency the fact, and thereupon such agency shall proceed to elect or appoint and certify to the Senate the name of another member, or members, in the place of those rejected. The term of each Commissioner, after the expiration of the term provided for in the Act approved September 18, 1923 (which Act is codified as Chapter 44, Article 4, in the Code of 1923), shall be five years. The Commission shall select its chairman. The said State Docks Commission is hereby provided and designated as the agency of the State through which it shall accomplish the acquisition, or construction, maintenance and operation of all of the improvements and facilities hereby authorized and through which the same shall be managed and controlled by the State, and hereinafter such agency shall be called the Commission. It is further provided that no person having financial interest in any harbor facilities such as the State Docks Commission is authorized to deal with shall be eligible for election or appointment as a member of said Commission. The members of said Commission shall receive their actual expenses in attending meetings of said Commission or in attending to any of the duties under this Act.

Section 3. The jurisdiction of the Commission in any harbor or seaport within the State shall extend over the waters and shores of such harbor or seaport and over that part of all tributary streams flowing into such harbor or seaport in which the tide ebbs and flows, and shall extend to the outer edge of the outer bar at such harbor or seaport.

Section 4. The Governor may appoint a board of three members, one of whom shall be a civil engineer, no two of whom shall be from the same Congressional district, who shall be known as the Board of Censors, and whose duty it shall be to, together with an examiner of public accounts, examine into the doings of the State Docks Commission at least once between January 1st and July 1st, and again between July 1st and December 31st of each year, and to make a report to the Governor as to the prog-

ress of the undertaking (making such criticisms and suggestions as may seem to them to be helpful to the Governor in passing upon the various matters connected with the undertaking, and the Governor may from time to time call said board of censors together for consultation in regard to any matters as to which he may desire the opinion of said board. It shall be the duty of the Board of Censors, together with the Examiner of Public Accounts, to examine the books of the Secretary-Treasurer, and to make such other inspection of the business, buildings and actions of the State Docks Commission and employees semi-annually as said board may deem necessary to enable said board to make a fair report of the financial and physical condition of the undertaking and it shall be the duty of the Board of Censors to have their report published in one paper at Montgomery each time they make a report. That the members of the Board of Censors shall receive a per diem of ten dollars for the days spent in the discharge of their duties and reasonable traveling expenses, to be approved by the Governor.

Section 5. The Commission must appoint a Secretary-treasurer and as occasion requires may appoint such pilots, clerks, attorneys, collectors and other employees as may be necessary to perform all services needed in bringing vessels in and out of the seaport or harbor, loading and unloading such vessels, and in operating the terminal facilities provided for in this Act. In addition, the said Commission shall also appoint such architects and engineers and other persons as may be required for the study and development of the facilities of the ports and when necessary may employ a general manager having such duties and powers as may be designated in writing by the Commission; such general manager, or any other employee or appointee, may be discharged or removed at any time by the Commission. Such general manager shall not be interested in, or connected by blood, marriage or business association with anyone dealing with the said Commission or interested in any way in any of the properties that may be acquired or managed by it. All employees handling money or vested with discretionary powers shall give bond in a sum to be fixed by the Commission, with corporate security, for the honest and faithful performance of the duties devolving upon them, such bond to be payable to the State. Such general manager shall make a monthly report in duplicate to the Commission and to the Governor of his acts and doings. The Commission with the approval of the Governor shall have power and authority to fix the salaries and compensation for the general manager, engineers, architects and other supervising employees and may prescribe their duties. The Commission may, in its discretion, appoint the Chairman or other Commissioner as General Manager or as Chief Engineer,

or both, and shall, with the approval of the Governor, fix his salary for either or both of these positions. Such officials and employees shall hold office for such time and on such terms and conditions as the Commission may determine. The secretary-treasurer is required to make bond in such amount as the Commission may order, payable to the State and conditioned upon the faithful discharge of his duties. He shall receive and disburse for the Commission and under its direction all monies which it is authorized to receive and disburse. He shall be responsible for the safe-keeping thereof and shall properly account therefor.

Section 6. The said Commission shall constitute a Board of Commissioners of Pilotage for any seaport or harbor within the State and shall issue State licenses to such applicants as are qualified in the opinion of the Commission to navigate such seaport or harbor and in such numbers as the proper service of such seaport or harbor renders necessary. The said Commission shall issue rules and regulations concerning the examination and qualifications of pilots for the above special service and shall investigate all charges as to violation of general rules and regulations of the port and as to dereliction of duty or incompetency on the part of such pilots and said Commission is hereby vested with the power to suspend such pilots or to withdraw such pilots' licenses for cause. The State Docks Commission is hereby authorized within the power of the State to establish and enforce rules and regulations concerning pilotage and to fix the pilotage fees for piloting vessels across the outer bar and into any harbor or seaport and between points in such harbor or seaport.

Section 7. The State, in engaging in the work of internal improvement, of promoting, developing, constructing, maintaining, and operating harbors or seaports within the State and its jurisdiction, acting through the said Commission, shall have power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, use, control and operate at seaports, wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses and other water and rail terminals and other structures, and facilities needful for the convenient use of the same in the aid of commerce including the dredging of approaches thereto, but before the said Commission shall exercise such authority it shall first submit plans, including estimates of cost, prepared by competent engineers or architects, to the Governor who shall consult and confer with said board in reference thereto and as to dredging with the proper United States authorities. The Governor shall also be authorized and empowered, wherever he thinks it is expedient, to make other and further investigations in regard to the desirability of such proposed acquisition or erection of facilities as above mentioned. Before approving any

purchase of real estate at a price of more than \$10,000.00 the Governor shall cause the same to be appraised by three disinterested and competent men of his selection, the expense of such appraisal to be paid as hereinafter provided for the payment of expenses, and no purchase thereof shall be made, except by condemnation, for a sum in excess of said appraisal. If after such full investigation as he deems necessary is made, the Governor approves such acquisition, purchase, lease, or the erection of such facilities, he shall indicate it by endorsing his approval on the plan, or by letter to the Commission, and thereupon the Commission shall go forward with such project. If, however, the Governor disapproves, the Commission shall not have authority to begin such proposed improvement but may make other and further suggestion or amendments to the Governor from time to time. The plans heretofore approved by the Governor and any and all other plans hereafter submitted by the Commission and approved by the Governor may be amended, changed, or enlarged by the Commission with the approval of the Governor, such approval being manifested by his endorsement of the fact on such amended, changed or enlarged plan, provided the total cost of the entire development shall not exceed ten million dollars. The State through the said Commission shall have power to acquire, own, lease, and operate tug and pilot boats, to locate, install, construct, acquire, lease, own, hold, maintain, control, and operate at seaports a line of terminal railroads with necessary sidings, turnouts, spurs, branches, switches, yard track, bridges, trestles, and causeways and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry passengers, goods, wares, and merchandise over, along or upon the tracks of such railroads or other conveyances. The State, acting through the said Commission, shall have the right and authority with its terminal railroads to connect with or cross any other railroad upon the payment of just compensation and to receive, deliver to and transport the freight, passengers, and cars of common carrier railroads as though it were an ordinary common carrier. The title to all property acquired under the authority of this Act shall vest in the State of Alabama, but the Commission, with the consent and approval of the Governor, may dispose of, sell or lease to others, at reasonable prices and for reasonable compensation, any of said property, equipment and facilities; provided that the proceeds of all such sales shall be returned to capital account. The proceeds from all leases shall become a part of the operating fund. All leases of real estate within the boundaries of the approved plan or within the boundaries of any amendment

or extension thereof, for port or harbor improvement in and by the State of Alabama, acting by and through its agency, the State Docks Commission, and also all structures and all improvements and all other permanent facilities erected, installed or located, by lessees, or their successors or assigns, within the boundaries aforesaid, shall be free and exempt from all State, County and municipal taxation for such period as may be stipulated in the lease or in any renewal thereof, but not longer than the terms of the lease and/or its renewal. The Commission with the approval of the Governor is authorized to exchange any property or properties acquired under the authority of this Act for other property, or properties usable in carrying out the powers hereby conferred, and also to remove from lands needed for its purposes and reconstruct on other locations, buildings, terminals, railroads, or other structures upon the payment of just compensation, if, in its judgment, it is necessary or expedient so to do in order to carry out any of its plans for port development approved by the Governor. The power of eminent domain shall apply, not only as to all property of private persons or corporations, but also as to property already devoted to public use, provided, however, the said Commission shall have no authority to acquire without the consent of the owner thereof any property now operated and used for port purposes or such purposes as the Commission is authorized to acquire and use property for, unless an actual necessity therefor be alleged and proven. It is provided, however, that said Commission shall not purchase, lease or acquire by exchange any property in which any member of the Commission is financially interested, either directly or indirectly, whether as a stockholder of a corporation or otherwise. The Commission with the approval of the Governor is hereby authorized to bring and prosecute, for and in the name of the State, all such suits, actions, and other legal proceedings as may be proper or necessary for the enforcement of the rights of the State growing out of any of its transactions or operations authorized by this Act, provided that the Commission, so far as practicable to do so, shall utilize the labor of residents of this State in the construction of the works provided for in this Act.

Section 8. For the acquiring of rights of way and property necessary for the construction of terminal railroads and structures, including railroad crossings, wharves, piers, docks, quays, grain elevators, cotton compresses, warehouses and other riparian and littoral terminals and structures and approaches thereto needful for the convenient use of same, the State, acting through said Commission, shall have the right and power to acquire the same by purchase, by negotiation, or by condemnation, and should it elect to exercise the right of eminent domain, it may proceed in the manner provided by the general laws of

the State of Alabama for procedure by any county, municipality or corporation organized under the laws of this State, or in any other manner provided by law.

Section 9. The operation of all harbors and seaports within the State and the improvements and facilities hereby authorized shall be conducted in the name of the State Docks Commission. In such operation, the Commission may contract such current indebtedness as is necessarily incident to the prosecution of the work in accordance with the terms of this Act. The Commission may adopt rules not inconsistent with the provisions of this Act for the purpose of regulating, controlling and conducting the said operation.

Section 10. In order to provide funds for the purposes herein authorized, the Governor is hereby empowered to execute and, with the advice and concurrence of the Commission, to sell the State's bonds in such amounts, not exceeding in the aggregate the sum of ten million dollars, as may be necessary for said purposes, but under and subject to the following provisions. The said bonds shall be appropriately designated as Harbor Improvement Bonds of the State and shall mature and be payable in equal annual installments, at such times as may be designated by the Commission, with the approval of the Governor, not more than fifty years from the date of the issuance thereof, the first installment to mature not more than ten years from the date of issuance thereof. They shall be in denominations of One Thousand (\$1000.00) Dollars and multiples of one thousand dollars (\$1000.00), the number of each denomination in each lot of bonds executed to be determined by the Commission by and with the consent of the Governor. They shall be signed by the Governor, the State Auditor, and the State Treasurer and attested by the Secretary of State, and the Great Seal of the State shall be affixed thereto, and said bonds shall be issued either in the coupon form or registered form, and they shall all bear interest at such rate, not exceeding five per cent per annum, as may be determined by the Commission, with the consent and approval of the Governor, which interest shall be payable semi-annually, the interest on coupon bonds being evidenced by interest coupons attached, each of which coupons shall be authenticated by the facsimile signature of the State Treasurer imprinted thereon. Bonds bearing interest at five per cent per annum shall be sold at not less than par. Bonds bearing interest at less than five per cent per annum shall be sold at such price that the cost to the State of Alabama, including annual interest and amortization, shall not exceed five per cent per annum. The State Treasurer shall keep a complete record of all bonds issued under authority of this Act. Bonds issued in

coupon form may be exchanged for fully registered bonds or bonds registered as to principal only. Coupon bonds and registered bonds shall be interchangeable. Upon the issuance of a coupon bond for a registered bond, all matured and unearned coupons on said bond shall be by the State Treasurer first clipped from said bond and cancelled. The Governor is authorized to prescribe regulations for the registration of bonds and for the interchange of registered and coupon bonds and to fix a charge of not more than fifty cents per thousand dollars for registration of bonds and not more than one dollar per thousand dollars for interchange of bonds. The Commission, with the approval of the Governor and Attorney General, is authorized to prescribe the exact form in which said bonds shall be issued. The State Treasurer shall keep a record of all registered bonds, including the names and addresses of the respective holders thereof. The said registered bonds may be transferred only by an appropriate change of registration in such manner and form as may be prescribed by the Commission and approved by the Governor. The interest on all registered bonds shall be paid by check or draft of the State Treasurer mailed to the holder at the address shown by the registration records. The interest on the coupon bonds and the principal of all bonds shall be made payable in gold of the present standard weight and fineness, or its equivalent at the State Treasury or such other place as may be selected and named by the Commission with the approval of the Governor. Said bonds shall be emitted and sold only when and as funds are needed for the carrying out and accomplishing of any plan or amendments, changes or enlargements thereof, which have been submitted to and approved by the Governor as herein provided, or for the payment of temporary loans and interest under the provisions of this Act. Each sale of bonds hereunder shall be for only such amount as is reasonably necessary to pay interest and temporary loans as herein provided, and to cover the cost of carrying out the plan or plans theretofore submitted to and approved by the Governor, it being intended to so provide that the obligations of the State hereby authorized shall be emitted only when necessary to supply the funds required for said purposes, provided, however, that the act of the Commission and the Governor in offering such bonds for sale shall be conclusive evidence that the proceeds are intended for use only for the work of internal improvement in promoting, developing, constructing, maintaining, and operating harbors and seaports, within the State or its jurisdiction. Each issue of said bonds shall be designated by a distinctive series number, letter or other designation. The proceeds of all of said bonds issued and sold under the provisions hereof shall be paid into the treasury and kept by

the State Treasurer in a separate account and in a separate fund and paid over to the secretary-treasurer of the Commission from time to time in such amounts as in the judgment of the Commission the purposes of this Act may require and the money so paid over to the Secretary-treasurer of the Commission shall be held and used only for the accomplishment of the purposes of this Act. The State, at the request of the Commission approved by the Governor, may borrow from time to time such sums of money as may be immediately necessary in its general operation, or in the development and improvements hereby authorized, or for the payment of interest on outstanding bonds or other indebtedness lawfully incurred; and the Commission, subject to the approval of the Governor, acting by and through its chairman and secretary-treasurer, is hereby empowered to execute notes or other like obligations of the State, but in its own name, for all sums so borrowed. No loans so obtained shall run for more than six months or bear interest at a greater rate than six per cent per annum, but they may be renewed from time to time as may be necessary. The proceeds of all loans so obtained shall be paid to the secretary-treasurer of the Commission, and be held and used only for the accomplishment of the purposes of this Act. All temporary loans so obtained shall be repaid from and out of the proceeds of the next sale of bonds hereby authorized or other funds in the hands of the Commission which may be available. At no time shall the amount of outstanding obligations of the State issued hereunder, including bonds, notes or other evidences of debt, exceed in the aggregate ten million dollars. The secretary-treasurer of the Commission shall deposit such funds as are received by him as such secretary-treasurer from time to time in such bank or banks as may be designated by the Commission and approved by the Governor; provided, that such funds shall not be deposited in any bank in which any member of the Commission is interested either directly or indirectly. The Commission shall require that any bank or banks receiving such deposits shall secure the same by a deposit of Harbor Improvement Bonds authorized by this Act, or by State Bonds of the State of Alabama, United States Government securities or such other securities as may be approved by the Governor and the Commission. The Commission and the Governor shall if possible require interest to be paid on such deposits carried in any bank or banks. Provided temporary loans made under the provision of this Act shall not exceed two hundred thousand dollars at any time. The emission and sale of bonds under this Act and its predecessor (Act of September 18, 1923, which Act is codified as Chapter 44, Article 4, in the Code of 1923), shall be conclusive evidence of the fact that the conditions

imposed by the terms of these laws upon the emission and sale of said bonds have been complied with.

Section 11. The proceeds of the handling and operation of the improvements and facilities hereby authorized shall be applied and used as follows: All expenses of carrying out the purposes of this Act shall be paid from said proceeds. Not less than thirty days before each semi-annual date upon which interest matures on the bonds hereby authorized, or any installment of principal matures, the secretary-treasurer of the Commission shall pay to the State Treasurer from such receipts an amount sufficient to cover such installment in interest or principal, and therefrom the State Treasurer shall pay such interest or principal. If the receipts of the Commission be insufficient to cover any expense herein provided for, or any installment of interest or principal, the deficiency may be paid from the proceeds of any sale of bonds hereby authorized, provided that such use of said proceeds shall be limited to the payment of expenses and interest on bonds for only the first three years after the completion of the entire development contemplated in this Act, or the amount necessary for the payment of such interest may be obtained from temporary loans negotiated therefor as hereinbefore authorized. It is intended to so provide that all of the revenues and income arising from the operations authorized hereby and from all property acquired under the provisions hereof shall be devoted to the payment of the expenses of such operation, to the payment of interest upon the bonds issued pursuant to the provisions hereof, and to the payment of the principal of said bonds as they respectively mature, thus relieving the other revenues of the State from any burden in that behalf unless the aforesaid income be insufficient for the purposes mentioned. The Commission may retain from the money coming into its hands such amount as may reasonably be required for operating capital, and all amounts so retained shall be deemed to be an operating expense within the meaning of this Act.

Section 12. Immediately upon the completion of each operating unit erected by the State, the Commission shall ascertain the cost of said unit, which shall be entered in the accounts kept by the Commission as a charge against capital account. After the first twelve months from the completion of each unit but not before October 1st, 1927, a half of one per cent of the cost thereof, not to exceed one half of the gross income therefrom during each month, shall at the end of the month be credited to an account designated "Sinking Fund" and shall be used from time to time only for the purpose of paying interest charges and of retiring by re-purchase such bonds at not more than par, or by paying them off as the same mature, until all bonds issued shall

have been retired; provided, however, that whenever the sinking fund thus created shall exceed the bonds out-standing plus the interest charges maturing within the following twenty-four months, then the surplus shall be available for use in the future development and improvement of the port in question.

Section 13. For the payment of both the principal and interest of all bonds issued under the authority of the Act according to their tenor, the full faith and credit of the State of Alabama is hereby pledged. If the funds supplied by the Commission to the State Treasurer under the provisions of this Act be insufficient to fully pay at maturity any installment of interest on said bonds or to pay at maturity the principal of any of said bonds, then the deficiency shall be paid by the State Treasurer from any funds in the State treasury not otherwise appropriated.

Section 14. In order to enable the said operation to earn funds to pay operating expenses and interest on the bonds and to create a sinking fund for the retirement of the bonds, the said Commission shall have the right and power to fix from time to time reasonable rates of charges for all services and for the use of all improvements and facilities provided under the authority of this Act, and schedules of all rates so fixed shall be filed with the State Public Service Commission within seven days after the fixing thereof. All private concerns, corporations or individuals operating similar facilities at Alabama seaports must make and collect charges which shall be not less than the charges so fixed by the said Commission for the use of the State's facilities.

Section 15. The Commission shall make to each regular session of the Legislature a report showing the indebtedness of the State created under this Act, the property acquired, the facilities owned, the results of the operation, and such other information as may be necessary to fully advise the Legislature of the status and progress of the improvement and development hereby authorized.

Section 16. The Governor and the Commission, respectively, are hereby directed and required to exercise the power and authority by this Act conferred upon them, respectively, to whatever extent is necessary to the accomplishment of the improvement and development hereby authorized. Any approval or consent by the Governor required by this Act shall be sufficiently evidenced by a certificate to that effect signed by the Governor and filed in the office of the State Treasurer, and approval or consent by the Commission shall be sufficiently shown by a certificate signed by the chairman of the Commission, attested by its secretary-treasurer and filed in the office of the State Treasurer.

Section 17. That any license heretofore granted by the State of Alabama, either expressly or by implication, permitting the upland owner to occupy any part of the space between the channel of the Mobile river or the low water mark of the Mobile bay and the high water mark, may be revoked by resolution of the State Docks Commission whenever said State Docks Commission shall determine to make use of such property for the purpose contemplated by this Act, or may be suspended by resolution pending an investigation and decision as to whether or not such use shall be made; provided, however, that whenever such property has been or shall have been already improved by the upland owner his license to maintain such improvements and to exercise such control thereover as may have been conferred upon him by a license from the State shall not be revoked or suspended otherwise than in the exercise of the right of eminent domain by condemnation proceedings as long as such owner shall occupy such property with improvements appropriate and devoted to the use of such property as a facility to commerce as is contemplated by such license. Whenever the State Docks Commission shall determine that any part of the property of the State above described is being occupied under a license from the State but that the improvements thereon are not being so maintained and used as facilities to commerce as reasonably to serve the purpose for which the license was granted and that it is desirable that this land should be improved by the State Docks Commission, then the State Docks Commission may by resolution call upon such owner of such improvements to put the same in such condition as reasonably to serve as such facilities to commerce within the purpose of the license under which they were erected, and if the said owner shall fail to comply with such resolution within a reasonable time then the State Docks Commission may file a bill in the circuit court of the circuit in which such land is situated for the cancellation of such license and if upon final hearing it shall be determined by the court that the said property is being occupied in violation of the intent and purpose of said license then the court shall by its decree cancel the same and the State Docks Commission shall then be entitled to proceed with the improvements thereof, provided further the use of such improvement by the upland owner shall in no event be disturbed until the State Docks Commission is ready to begin the improvement of the land so occupied thereby under the terms of this Act.

Section. 18. Said Commission is hereby authorized to formulate and promulgate rules and regulations for the operation of any seaport or harbor within the State. Any person, firm, association, or corporation violating any of the rules and regula-

tions so established shall be guilty of a misdemeanor and for each offense shall be subjected to a fine of not exceeding five hundred dollars (\$500.00) and may also be imprisoned in the County jail or sentenced to hard labor for the county for not more than six months. Any fines so collected shall be paid to the State Docks Commission and by it placed to the credit of the operating fund.

Section 19. Any owner or any agency in control of any vessel that is anchored, moored, or made fast to the shore when the same is in bad repair and liable to sink, who fails to remove it from the harbor to a designated place when directed to do so by an accredited agent of the Commission, shall be guilty of a misdemeanor and shall be fined not exceeding five hundred dollars (\$500.00) and may also be imprisoned in the County jail or sentenced to hard labor for the County for not more than six months. The offender shall be guilty of a new and similar offense and subject to the same penalty for each forty-eight (48) hours that elapses after the order to remove said vessel from the harbor or seaport is served. Any fines so collected shall be paid to the State Docks Commission and by it placed to the credit of the operating fund.

Section 20. The Commission may establish harbor lines, exterior and interior, when not in conflict with similar lines established by the United States. The said Commission is hereby empowered to grant licenses in the name of the State to any riparian owner for the construction of wharves, booms, and other aids to navigation when such wharves, booms or aids are appurtenant to his upland.

Section 21. The Commission is required to keep accurate minutes of all its meetings, showing all proposed expenditures, the disposition of such proposition, the vote of each member of the Commission thereon. The Commission shall also require to be kept on file and subject to public examination, an itemized account of all expenditures authorized and made. The Commission shall meet at least once each month.

Section 22. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 23. Be it further enacted, that the following sections of the Code of Alabama of 1923 be, and they are hereby expressly repealed, viz: Sections 2427 to 2517, both inclusive.

Section 24. If any section or provision of this Act be held unconstitutional, it shall not invalidate any other section or provision of this Act.

Approved January 17, 1927.

No. 2)

(H. J. R. 2

(Goodwyn.

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House, the Senate concurring that the Joint Committee on Inauguration of the Governor be and it is hereby authorized to expend not exceeding the sum of fifteen hundred dollars for the expenss in connection with such Inauguration.

Approved Jan. 17, 1927.

No. 3)

(S. 28. Teasley

AN ACT

To amend Section 1530 of the Code of Alabama of 1923.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: That Section 1530 of the Code of Alabama of 1923 be amended so as to read as follows: Section 1530. (923) (2236) (53) 52). Subordinate employees of the Legislature. Section 1. The subordinate employees of the Senate shall consist of a Reading Clerk, to be appointed by the Secretary with the approval of the President Pro-Tem of the Senate, a comparing clerk, and such assistants to the Secretary of the Senate, assistants to the Engrossing Clerk, assistants to the Enrolling Clerk, Pages, Messengers, Committee Clerks and servants for the doorkeeper in the Gallery as may be provided from time to time by the Rules of the Senate. The subordinate employees of the House shall consist of a Reading Clerk, and such assistants to the Clerk of the House, assistants to the Engrossing Clerk, assistants to the Enrolling Clerk, pages, messengers, committee clerks and servants for the doorkeeper in the gallery as may be provided from time to time by the Rules of the House.

Section 2. The provisions of this act shall apply to all subordinate employees of the regular session of the Legislature of 1927, beginning January 11th, 1927, and all the subsequent session of the Legislature of Alabama. Provided, however, that clerks already appointed and performing their respective duties shall be entitled to compensation to and from January 11th, 1927.

Section 3. That all laws and parts of laws in conflict with the proviisons of this Act be and the same are hereby repealed

Approved January 17, 1927.

No. 4)

(H. 3. Tunstall.

AN ACT

To create the office of Alabama Highway Director in Alabama, to provide for his appointment, to fix his salary, to define his term of office, and to prescribe his powers and duties.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1: The office of Alabama Highway Director in Alabama is hereby created, the said Alabama Highway Director will be the President of the State Highway Commission and the State Highway Engineer of said Department in one person.

Section II. The Alabama Highway Director in Alabama shall be appointed by the Governor and shall hold office for six years from the date of his appointment and until his successor is appointed and qualified.

Section III. The salary of the Alabama Highway Director in Alabama shall be fixed at a sum to be prescribed by the Governor, but not to exceed the salaries now paid the President of the State Highway Commission and the State Highway Engineer.

Section IV. The powers and duties of the Alabama Highway Director in Alabama shall be all and singular the powers and duties now prescribed by law to be performed by the President of the State Highway Commission and by the State Highway Engineer.

Section V. That all laws and parts of laws in conflict with any of the provisions of this Act be and are hereby repealed.

Section VI. That this Act shall go into effect and become operative immediately upon its passage and approval.

Approved Jan. 20, 1927.

No. 5)

(H. 2. Tunstall.

AN ACT

To impose an excise tax, in addition to that already imposed by the Act approved February 10, 1923; on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatsoever gasoline or other liquid motor fuels or devices or substitutes therefor in this State; and providing for the collection and payment of such tax and distribution of the funds derived therefrom, and providing for its enforcement and fixing a penalty for the violation of any of the provisions hereof.

Be it Enacted by the Legislature of Alabama, That:

Section 1. As used in this Act, the term gasoline shall include gasoline, naphtha and other liquid motor fuels or any de-

vices or substitutes therefor, commonly used in internal combustion engines; provided however that nothing contained in this Act shall be held to apply to those products known commercially as "kerosene oil", "fuel oil" or "crude oil" used for lighting or heating purposes. The word person means and includes persons, corporations, co-partnerships, companies, agencies or associations, singular or plural. The term distributor shall include any person who engages in the selling of gasoline in this State by wholesale domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term retail dealer shall include any person herein defined as distributor who is also engaged in the selling of gasoline in this State at any place in this State in broken quantities. The term storer as herein used shall include any person who ships gasoline into this State in tank quantities and stores the same and withdraws or uses the same for any purpose.

Section 2. Every distributor, retail dealer or storer of gasoline as herein defined shall pay an excise tax of two cents per gallon upon the selling, distributing or withdrawing from storage for any use gasoline as herein defined in this State, provided however that this excise tax shall not be levied upon the sale of gasoline in interstate commerce, and provided further that where the excise tax of two cents per gallon upon the sale of such gasoline shall have been paid by a distributor or by a retail dealer or storer such payment shall be sufficient, the intention being that the tax shall not be paid but once.

Section 3. The excise tax imposed by section two hereof shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawals be for sales or other use; provided, that "sellers" of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required and storers and distributors shall compute and pay this tax on the basis of their withdrawals or distributions.

Section 4. On or before the 20th day of each month after this Act shall have taken effect, every person upon whom this excise tax is levied shall render to the State Tax Commission on forms prescribed by such Commission a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for the payment of the excise tax herein prescribed, and shall furnish to said Commission such additional information as such Commission may require upon blanks to be formulated and furnished by said Commission, and at the time of making such report shall pay to the State Tax Commission an amount of money equal to the excise tax herein laid.

Section 5. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths and any false or fraudulent statement sworn to shall constitute perjury and upon conviction thereof the person so convicted shall be punished as provided by Section 5161 of the Code of Alabama.

Section 6. All distributors, storers, or retail dealers shall keep, for not less than two years, within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sales or withdrawals of gasoline made in this State covered by this Act.

Section 7. Within 30 days after the passage of this Act, every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline shall make a report on blanks furnished by the State Tax Commission to the State Tax Commission showing the place and post office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline, which information shall be entered by the State Tax Commission on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one post office address to another, such distributor, storer, or retail dealer shall within 30 days thereafter notify the State Tax Commission of such removal, giving the former place and post office address and also the place and post office address to which the business has been removed. After this Act becomes effective no person shall become a distributor, storer or seller of gasoline in this State until he shall have made such reports to the State Tax Commission.

Section 8. If any distributor, storer or retail dealer in gasoline in this State covered by the provisions in this Act shall fail to make the reports or any of them, to the State Tax Commission as herein required or shall fail to keep the records required by Section 6 hereof, such distributor, storer or retail dealer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each of such offense.

Section 9. It shall be the duty of the State Tax Commission to enforce the provisions of this Act and the State Tax Commission shall have the right itself or by any of its members or its agents to examine the books, reports and accounts of every such distributor, storer or retail dealer of gasoline covered in this Act.

Section 10. The proceeds of the excise tax levied by this Act shall when collected, be paid into the State Treasury, to the credit of the Public Road and Bridge Fund. All funds so raised shall be primarily charged with the payment of the interest upon such additional highway and bridge bonds, when the same shall have been authorized and sold, and to provide a sinking fund,

which shall be sufficient to retire such bonds within a period of thirty-one years. Any of said funds not used and expended for said primary obligations may be used by the State Highway Commission, with the approval of the Governor, in constructing public roads and bridges within the State, as now or hereafter provided by law, and in maintaining the public roads and bridges which have been or may hereafter be constructed by the State Highway Commission, in equipping and preparing convicts for use upon the public roads and bridges of the State, for the maintenance of such convicts while so at work upon such roads and bridges, for compensating the State for the use of such convicts, and for such other use upon the public roads and bridges of the State as may be authorized by the State Highway Commission, with the approval of the Governor. Provided, however, that no part of said fund shall be expended except in accordance with the law as it now exists or may hereafter be enacted.

Section 11. The acceptance of any money paid for the excise tax provided for in this Act shall in no way preclude the collection of the money actually due, provided however that the money actually paid shall constitute a credit against the money actually due.

Section 12. The forms for all statements and reports required in the provisions of this Act shall be prescribed and furnished by the State Tax Commission and the cost of the enforcement of this Act shall be paid out of the funds derived from the excise tax herein prescribed upon a warrant of the State Auditor upon a voucher of the Chairman of the State Tax Commission and approved by the Governor.

Section 13. If distributor, storer or retail dealer of gasoline covered by this Act shall fail to make the monthly returns prescribed herein the State Tax Commission shall make a return for such delinquent upon such information as it may reasonably obtain, assess the excise tax thereon, and add a penalty for failure to make such return 25 per cent of the tax due, to the amount as assessed by the Commission.

Section 14. The State Tax Commission shall, as soon as is practicable, and before the 30th day of the month, certify to the State Auditor and the State Treasurer names of all persons liable to pay the tax herein provided together with the post office address and the amount of the tax, and if any such tax and penalties shall not have been paid, the chairman of the State Tax Commission shall issue executions for the collection of such tax directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent tax by the county tax collectors and make returns of such executions to the State Tax Commission.

The tax and all penalties herein provided for shall be held as a debt payable to the State of Alabama by the person against whom the same shall be charged and all such penalties and assessments shall be a lien upon the property in this State of the party charged therewith.

Section 15. Any distributor, storer or retail dealer who shall violate any of the provisions of this Act may be restrained and the proper prosecution instituted in the name of the State of Alabama by its Attorney General or under his direction by any Circuit Solicitor of the State from distributing, selling or withdrawing from storage any gasoline, the sale or withdrawal of which is taxable under this Act, until such person shall have complied with the provisions of this Act.

Section 16. Should any section of this Act or any part of this Act be declared unconstitutional it shall not invalidate the remaining sections thereof.

Section 17. Nothing in this Act shall be held or construed to in any way repeal or change the excise tax now levied and collected and distributed to the counties as provided in the Act approved February 10th, 1923.

Section 18. This Act shall go into effect immediately upon its passage.

Approved Jan. 25, 1927.

No. 6.)

AN ACT

(S. 34. Teasley.

To amend Section 6277 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That Section 6277 of the Code of Alabama be amended so as to read as follows: 6277. Salary of Superintendent; oath and bond of.—The Superintendent of Banks shall receive an annual salary of Six Thousand (\$6,000.00) Dollars, to be paid monthly in the same manner as salaries of other State officers are paid. The Superintendent of Banks shall within fifteen days from the time of notice of his appointment, if his appointment is made when the Senate is not in session or within fifteen days from his appointment and confirmation by the Senate, take and subscribe the constitutional oath of office, file the same in the office of the Secretary of State, and execute to the State a bond in the penalty of Twenty-five Thousand Dollars (\$25,000.00) with a Surety Company or Companies as surety who are qualified to do business in the State of Alabama, to be approved by and delivered to and held by the Secretary of State, conditioned for the faithful discharge of the duties of his office. The premium on said bond to be paid by the State on a warrant drawn

by the Auditor on the Treasurer, payable to said surety company or companies.

Sec. 2. That this Act shall take effect upon its passage and approval by the Governor.

Approved Jan. 28, 1927.

No. 8.)

(H. 8. Poole.

AN ACT

To repeal an Act approved September 14, 1923, entitled: "An Act to protect the title of motor vehicles within this State; to provide for the issuance of certificates of title and evidence of registration thereof; to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to provide for sale of vehicle with engine number altered or changed; to prescribe the powers and duties of the State Tax Commission and Probate Judges hereunder; and to provide penalties for violation of the provisions hereof."

Be it Enacted by the Legislature of Alabama:

Section 1. That an Act approved September 14, 1923, entitled "An Act to protect the title of motor vehicles within the State; to provide for the issuance of certificates of title and evidence of registration thereof, to regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second-hand vehicles as herein defined; to provide for sale of vehicle with engine number altered or changed; to prescribe the powers and duties of the State Tax Commission and Probate Judges hereunder; and to provide penalties for violation of the provisions hereof," be and the same is hereby repealed.

Approved Jan. 28, 1927.

No. 9.)

(H. J. R. 18. Merrill.

HOUSE JOINT RESOLUTION

For memorializing the Congress of the United States to abolish the Federal estate tax.

Whereas, the Federal Estate (Inheritance) Tax law, as amended February 26th, 1926, provides that the estate liable thereunder shall be credited with any inheritance tax paid by the beneficiaries to the state, or states, the credit not to exceed eighty per cent of the Federal levy;

And Whereas, this amendment menaces the rights of the states because its object is to coerce the State of Alabama and

other states, having no inheritance tax law, to adopt such a tax and to persuade the states having State Inheritance Tax laws to abandon their state laws in favor of statutes based on the Federal law;

And Whereas, the joint levy is contrary to the theory of this government, unprecedented and offensive to the independence of the Legislatures of the sovereign states;

THEREFORE, be it resolved by the House, the Senate concurring, that we hereby request the present Congress to repeal immediately the Federal estate (inheritance) tax provisions of the revenue law effective February 26th, 1926, and abandon this field of taxation in time of peace.

BE IT FURTHER RESOLVED, that certified copies of this joint resolution be forwarded to Alabama's Senators and Representatives in the Congress of the United States.

Approved Jan. 28, 1927.

No. 10.)

(H. 18. Ward of Tuscaloosa.

AN ACT

To make an appropriation of six hundred thousand (\$600,000.00) dollars, or so much thereof as may be necessary, to the State Board of Education for the further support and maintenance of the public schools of the State in order that a minimum school term of seven months or 140 days may be provided for the current fiscal year ending September 30, 1927.

Be it Enacted by the Legislature of Alabama:

Section 1. That in order to provide a school term of at least seven months or 140 days for the fiscal year ending September 30, 1927, based on total expenditures from all sources for the operation of the several schools for the year ending September 30, 1926, there is hereby appropriated to the State Board of Education out of the general treasury of the State the sum of Six Hundred Thousand (\$600,000.00) Dollars, or so much thereof as may be necessary, the amounts set out below to be apportioned to the counties indicated as follows: Autauga, Two Thousand One Hundred Eight-six and 83/100 (\$2,186.83) Dollars. Baldwin, One Thousand Two Hundred Seventy-five and 42/100 (\$1,275.42) Dollars. Barbour, One Thousand Eight Hundred Sixty-three and 93/100 (\$1,863.93) Dollars. Bibb, Four Thousand Nine Hundred Five and 48/100 (\$4,905.48) Dollars. Blount, Nineteen Thousand One Hundred Seventy-three and 85/100 (\$19,173.85) Dollars. Butler, One Thousand Eight Hundred Forty-six and 4/100 (\$1,846.04) Dollars. Calhoun, Three Thousand Seven Hundred Thirty-two and 98/100 (\$3,732.98) Dollars.

Chambers, Six Hundred Fifty-five and 51/100 (\$655.51) Dollars. Cherokee, Seventeen Thousand Two Hundred Sixty-eight and 31/100 (\$17,268.31) Dollars. Chilton, Eleven Thousand Forty-nine and 21/100 (\$11,049.21) Dollars. Choctaw, Three Thousand Fourteen and 10/100 (\$3,014.10) Dollars. Clarke, One Thousand and Nine Hundred Seventy-one and 24/100 (\$1,971.24) Dollars. Clay, Nine Thousand Nine Hundred Seventy-three and 1/100 (\$9,973.01) Dollars. Cleburne, Seven Thousand Two Hundred Ninety-three and 52/100 (\$7,293.52) Dollars. Coffee, Ten Thousand One Hundred Seventy-two and 42/100 (\$10,172.42) Dollars. Colbert, Eleven Thousand One Hundred Fifty-one and 47/100 (\$11,151.47) Dollars. Conecuh, Nine Thousand Nine Hundred Seventy-four and 97/100 (\$9,974.97) Dollars. Coosa, Seven Hundred Forty-eight and 79/100 (\$748.79) Dollars. Covington, Three Thousand Three Hundred Seventy-one and 86/100 (\$3,371.86) Dollars. Crenshaw, Ten Thousand Four Hundred Forty-two and 80/100 (\$10,442.80) Dollars. Cullman, Thirty-five Thousand Four Hundred Thirteen and 16/100 (\$35,413.16) Dollars. Dale, Eight Thousand Seven Hundred Ninety-three and 73/100 (\$8,793.73) Dollars. DeKalb, Twenty-seven Thousand One Hundred Twenty-six and 39/100 (\$27,126.39) Dollars. Elmore, One Thousand Nine Hundred Thirty-three and 52/100 (\$1,933.52) Dollars. Escambia, Three Thousand and Eighty-seven and 49/100 (\$3,087.49) Dollars. Etowah, Three Thousand Three Hundred Sixteen and 79/100 (\$3,316.79) Dollars. Fayette, Eight Thousand Five Hundred Twenty-five and 60/100 (\$8,525.60) Dollars. Franklin, Fourteen Thousand Nine Hundred Forty-five and 72/100 (\$14,945.72) Dollars. Geneva, Fifteen Thousand Four Hundred Thirty-two and 79/100 (\$15,432.79) Dollars. Hale, Two Thousand Two Hundred Sixty-six and 61/100 (\$2,266.61) Dollars. Henry, Five Thousand Two Hundred Thirty-eight and 73/100 (\$5,238.73) Dollars. Houston, Thirteen Thousand One Hundred Forty-four and 46/100 (\$13,144.46) Dollars. Jackson, Twenty-one Thousand Four Hundred Ninety-two and 9/100 (\$21,492.09) Dollars. Lamar, Fourteen Thousand Two Hundred Fifty-nine and no/100 (\$14,259.00) Dollars. Lauderdale, Thirteen Thousand Seven Hundred Forty-nine and 80/100 (\$13,749.80) Dollars. Lawrence, Seventeen Thousand Five Hundred Ninety-four and 49/100 (\$17,594.49) Dollars. Limestone, Sixteen Thousand Four Hundred Eight and 90/100 (\$16,408.90) Dollars. Madison, Five Thousand Three Hundred Thirty-eight and 52/100 (\$5,338.52) Dollars. Marion, Fifteen Thousand One Hundred Forty-four and 54/100 (\$15,144.54) Dollars. Marshall, Nineteen Thousand One Hundred Seventy-four and 74/100 (\$19,174.74) Dollars. Monroe, Nine Hundred Thirty-seven and 53/100 (\$937.53) Dollars. Morgan,

Fourteen Thousand Three Hundred Forty-eight and 10/100 (\$14,348.10) Dollars. Pickens, Seven Thousand Six Hundred Eighty and 38/100 (\$7,680.38) Dollars. Pike, Four Thousand Two Hundred Fifteen and 74/100 (\$4,215.74) Dollars. Randolph, Twelve Thousand Four Hundred Twenty-one and 96/100 (\$12,421.96) Dollars. Shelby, Eleven Thousand Six Hundred Thirty-seven and 44/100 (\$11,637.44) Dollars. St. Clair, Six Thousand One Hundred Ninety and 94/100 (\$6,190.94) Dollars. Talladega, One Thousand Two Hundred Twenty-six and 10/100 (\$1,226.10) Dollars. Tallapoosa, One Thousand One Hundred Thirty-six and 71/100 (\$1,136.71) Dollars. Tuscaloosa, Eleven Thousand Seventy-seven and 91/100 (\$11,077.91) Dollars. Walker, Three Thousand Nine Hundred Sixteen and 88/100 (\$3,916.88) Dollars. Washington, Six Thousand Nine Hundred Twenty-one and 17/100 (\$6,921.17) Dollars. Winston, Nineteen Thousand Five Hundred Sixty-one and 25/100 (\$19,561.25) Dollars.

Section 2. In addition to the apportionment set out in section one above the State Board of Education, with the approval of the Governor, shall apportion to the several counties of the State the balance of the appropriation herein provided, or so much thereof as may be necessary, under such rules and regulations as will insure the carrying into effect the purpose of this Act, which is to provide a term of at least seven months or 140 days in the public schools of the State.

Section 3. That the State Superintendent of Education shall make requisition on the State Auditor in favor of the respective county treasurers of school funds for the amount herein specified for each and every county as set out in Section 1 of this Act, and for any additional amounts which may be apportioned by the State Board of Education in carrying out the provisions of Section 2 of this Act, and the State Auditor shall issue his warrants upon the State Treasurer in accordance with such requisition.

Section 4. That the County Boards of Education shall administer the funds provided by this Act exclusively for the purpose herein set out and shall provide for public schools in their respective counties a school term of seven months or 140 days during the current year ending September 30th, 1927.

Section 5. That the provisions of this Act shall become effective upon approval by the Governor and that all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved Jan. 28, 1927.

No. 11.)

(H. 4. Goodwyn.

AN ACT

To amend Section 906 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama, That Section 906 of the Code of Alabama of 1923 be amended so as to read as follows:

Section 1. 906. Who Compose Budget Commission: Compensation of Commission. There is hereby established a State Budget Commission which shall be composed of eight members as follows: The Governor, the Attorney General, the State Auditor, the Chief Examiner of Accounts, the State Treasurer, the Secretary of State, the Commissioner of Agriculture and Industries, and the Chairman of the State Tax Commission, of which Budget Commission the Governor shall be Chairman, and the State Auditor shall be Secretary. The members of the Commission, except the Chairman and the Attorney General shall each be allowed and paid One Hundred (\$100.00) Dollars per month for services rendered as members of the State Budget Commission from any money in the State Treasury not otherwise appropriated, the compensation as herein provided for the State Auditor as member of said Commission and as Secretary thereof, is intended to cover any and all additional services rendered by him as Secretary of said Commission.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved Jan. 28, 1927.

No. 12.)

(H. J. R. 16. Goodwyn.

HOUSE JOINT RESOLUTION

That whereas Section 2918 of the Code of 1923 requires that the General and Local Acts, and the joint resolutions of the Legislature be printed and bound in book form, and

Whereas this would entail unnecessary expense as there were only five bills and resolutions approved by the extraordinary session which convened on Dec. 28, 1926.

NOW THEREFORE be it resolved by the House the Senate concurring that the Secretary of State be authorized not to have bound in book form the laws of the extraordinary session of the Legislature, which convened on Dec. 28, 1926 and order that he have same bound with the laws of the regular session of the Legislature of 1927.

Approved Jan. 28, 1927.

No. 13.)

(H. 60. Goodwyn.

AN ACT

To provide for the expenses incurred by members of the Legislature of Alabama while in attendance upon sessions of the Legislature.

Be it Enacted by the Legislature of Alabama, That:

Section 1. Each member of the Senate and House of Representatives of the Legislature of Alabama shall be paid the reasonable expenses incurred by him because of and while in attendance upon the sessions of the Legislature, which expense shall, among other things, include stenographic work, telephone and telegraphic service, clerk hire, stamps and like expenses. Provided that no expense allowance for any one member for any one day shall exceed the sum of four dollars (\$4.00).

Section 2. Each Senator shall submit to the president of the Senate, for his approval, and each Representative shall submit to the Speaker of the House for his approval, a written statement of the total amount incurred by him for expenses not exceeding the limitation provided in Section 1 hereof, and when approved by the President of the Senate and the Speaker of the House, as the case may be, such approved statement shall be conclusive evidence that such Senator or Representative is entitled to the amount therein named and be conclusive authority for the Auditor to draw his warrant for such amount payable to such Senator or Representative and for the State Treasurer to pay same.

Section 3. All money necessary to pay the amounts shown to be payable by the approved statements provided for in this Act be and the same is hereby appropriated out of the public treasury of Alabama.

Section 4. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved Jan. 28, 1927.

No. 17.)

(S. 14. Oliver.

AN ACT

To provide an appropriation for the construction and repair of buildings and the equipment of the Alabama School for the Blind located at Talladega, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars to be used for the construction and repairing of buildings and the equipment of the Alabama School for the Blind located at Talladega, Alabama.

Section 2. Said appropriation shall be available when in the opinion of the Governor the treasury permits, provided that not less than Fifty Thousand (\$50,000.00) Dollars shall become available for the purposes of this bill each fiscal year until the entire amount, or so much thereof as necessary, has been expended.

Section 3. The funds appropriated by this Act shall be expended by the Executive Committee of the Board of Trustees of said School with the approval of the Governor.

Approved Feb. 3, 1927.

No. 18.)

AN ACT

(S. 13. Oliver.

To provide an appropriation for the construction and repair of buildings and the equipment of the Alabama School for the Deaf located at Talladega, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars to be used for the construction and repairing of buildings and the equipment of the Alabama School for the Deaf located at Talladega, Alabama.

Section 2. Said appropriation shall be available when in the opinion of the Governor the treasury permits, provided that not less than Fifty Thousand (\$50,000.00) Dollars shall become available for the purposes of this bill each fiscal year until the entire amount, or so much thereof as necessary, has been expended.

Section 3. The funds appropriated by this Act shall be expended by the Executive Committee of the Board of Trustees of said School with the approval of the Governor.

Approved Feb. 3, 1927.

No. 20.)

AN ACT

(H-39. Ward of Geneva

To validate and legalize elections heretofore held under the provisions of Article 12, Section 223 to 246 inclusive of the School Code of Alabama, 1924, providing for elections to authorize any County in the State to levy and collect special County Tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and

to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities."

Be it Enacted by the Legislature of Alabama:

Section 1. That all elections, whether in school districts or Counties, which have heretofore been held under the provisions of "Article 12, Sections 223 to 246 of the School Code of Alabama, 1924 to authorize any County in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any district, in any County that may be levying special County taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities," which said elections resulted in a majority of the votes cast being in favor of the special tax for school purposes, and which said elections were irregular by reason of failure to give notice thereof in any newspaper, or by reason of any other irregularity prior to the actual holding of the elections, be and the same are hereby ratified and confirmed and given effect in all respects as if all the conditions, preliminary and prior to the actual holding of such elections, required by the aforesaid article had been duly and legally complied with. Provided the provisions of this act shall not apply to districts in which said three mill tax election has been held and declared illegal by the Board of County Commissioners in said County in which said election was held prior to the passage of this Act.

Approved Feb. 8, 1927.

No. 21.)

AN ACT

(H. 12. Kirkpatrick.

To amend Section 7132 of the Code of Alabama 1923.

Be it Enacted by the Legislature of Alabama:

That Section 7132 of the Code of Alabama be amended so as to read as follows: "Section 7132. Who may become members.— Under the terms and conditions prescribed in its By-Laws, an association may admit as members (or issue common stock to) only persons or associations or corporations composed solely of persons engaged in the production of the agricultural products to be handled by or through the association, including the lessees and tenants of land used for the production of such products

and any lessors and landlords who receive as rent all or part of the crop raised on the leased premises; and any such persons or associations of persons or corporations may be citizens of or organized under the laws of this State or any other state of the United States, and shall handle such agricultural products for members only."

Approved Feb. 10, 1927.

No. 22.)

AN ACT

(H. 86. Vickers.

To change the amount, or fix the amount, of the salary or compensation of the County Treasurers of any counties in the State, having a population of not less than ninety thousand, nor more than one hundred and eighty thousand, according to the last, or to any succeeding Federal census; to provide the method and manner of its payment, and to repeal all laws, or parts of laws, general, local or special, in conflict with the provisions of this act.

Be it Enacted by the Legislature of Alabama:

(1) That the salary or compensation of County Treasurers of any Counties in the State, having a population of not less than ninety thousand, nor more than one hundred and eighty thousand, according to the last, or any succeeding Federal census, be fixed at Six Thousand Dollars per annum, payable in twelve equal monthly installments from the County Treasury, in the same manner as heretofore paid.

(2) Be it further enacted, That all laws, or parts of laws, general, local or special, in conflict herewith, be, and the same are hereby repealed.

Approved Feb. 10, 1927.

No. 23.)

AN ACT

(H. 5. Goodwyn.

To provide funds for the repair or improvements of the Capitol, and buildings and the Governor's Mansion.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$100,000.00 to be used for the purpose of repairing or improving the Capitol building or buildings and the Governor's Mansion.

Section 2. The funds herein provided shall be used for the purposes for which the appropriation is made upon the order of the Governor and said funds shall be available immediately upon the passage of the Act and the approval of the Governor.

Approved Feb. 4, 1927.

No. 24.)

(S. J. R. 28. Ellis of Dallas.

SENATE JOINT RESOLUTION

RESOLVED by the Senate, the House concurring, that

1. A joint committee from the Senate and The House of Representatives of the Legislature of Alabama is hereby created, to consist of two members from the Senate to be appointed by the Presiding Officer of the Senate, and three members from the House to be appointed by the Speaker of the House, which committee shall sit during any recess of the Legislature for the consideration of the matters and subjects hereinafter referred to. The members of the Committee shall be paid the same per diem and receive the same mileage as members of the Legislature are now paid; shall have authority to employ one clerk or stenographer, who shall receive the same pay as the member of the Committee; shall have power and authority to summon witnesses and call for books and papers and do and perform such other acts as may be necessary to a complete investigation, report and recommendation upon the subject hereinafter referred to.

2. The committee shall make an exhaustive investigation and a full report upon the subject of the Bond Laws of the State of Alabama, looking to a complete revision of all the laws of the State of Alabama relating to the issuance of bonds by the counties, the cities and other subordinate political sub-divisions of the State, including such changes in the Constitution of Alabama as appear to the committee to be desirable or necessary to the formulation of an adequate and complete system of laws for the issuance of bonds by the governmental units herein-above referred to.

3. The committee shall make to the Legislature a full and detail report of its investigation, recommendations, findings and plans pertaining to the subject aforesaid and prepare a Code or a bill or bills embodying its recommendations to be introduced into the Legislature at as early a date as practicable. In its discretion the committee may cause its report to be printed as one of a series of legislative documents in an edition of not exceeding two thousand copies.

Approved Feb. 10, 1927.

No. 26.)

(H. 20. Frey.

"AN ACT

To amend Section 855 of the Code of Alabama", as amended by Section 3 of an Act approved Sept. 29, 1923.

Be it Enacted by the Legislature of Alabama:

That section 855 of the Code of Alabama as amended by Sec. 3 of an Act approved Sept. 29, 1923, be and the same is hereby amended so as to read as follows: "855. (637, 638)

(2030). May appoint assistants and stenographers to the Attorney General. The Attorney General may appoint five special assistants and three stenographers, and may remove them at his pleasure. The salary of the first special assistant attorney-general shall be five thousand dollars per annum, and that of the second assistant attorney general shall be four thousand dollars per annum, and that of the third and fourth special assistant attorneys-general shall be thirty-six hundred dollars per annum, and that of the fifth special assistant attorney general shall be three thousand dollars per annum, payable in equal monthly installments. The salary of two of the stenographers shall be fifteen hundred dollars per annum, and of one stenographer shall be thirteen hundred and twenty dollars per annum. All assistants shall reside at Montgomery, and shall maintain offices at the Capitol."

Approved Feb. 4, 1927.

No. 27.)

(H. 53, Vickers.

AN ACT

To provide for the appointment of a stenographer by each Solicitor of each judicial circuit in the State, now or hereafter created composed of one County having more than two Circuit Judges and less than nine Circuit Judges, to fix the term of office of said stenographer, to prescribe the duties of said stenographer, and to fix the compensation of said stenographer.

Be it Enacted by the Legislature of Alabama:

Section 1. That in any circuit now or hereafter created composed of one county having more than two Circuit Judges and less than nine Circuit Judges, immediately upon the approval of this Act, there shall be appointed by the circuit solicitor a stenographer to report cases in the Inferior Courts and preliminary proceedings and applications for bail and habeas corpus proceedings in all courts whenever directed so to do by the Circuit Solicitor and to perform such stenographic duties in connection with the office of the Circuit Solicitor and under the direction of the Circuit Solicitor as the said office may require. Provided further that it shall be the duty of said stenographer to report all the proceedings of the Grand Juries of such circuits.

Section 2: Said stenographer shall be paid out of the general funds of the County Treasury, in equal monthly installments, an annual salary of Twenty-one Hundred (\$2100.00) Dollars.

Section 3: The term of office of said stenographer shall be at the pleasure of the Circuit Solicitor, and the said stenog-

rapher may be removed at any time by the Circuit Solicitor at the pleasure of the Circuit Solicitor.

Section 4: That this Act shall take effect immediately upon its passage and approval.

Approved Feb. 10, 1927.

No. 29.)

(H. 172. Goodwyn.

AN ACT

To authorize and empower any State Institution including schools, colleges, and other educational institutions to dispose of and convey any contingent interest which such institution or institutions may have in any property, whether the same be derived through a will or otherwise, and to authorize such institution to execute the necessary conveyance or conveyances for such purpose.

Be it Enacted by the Legislature of Alabama:

Section 1. That any State institution including schools, colleges, or other educational institutions which may own or be entitled to any contingent interest in any real estate, situated in the State of Alabama, whether such interest be derived through a will or otherwise, be and the same is hereby authorized to sell or otherwise dispose of such contingent interest upon such terms and for such price as the managing head of such institution may deem fair and just, provided that such sale shall be approved by the executive committee of the Board of Trustees, of such institution, if such institution has a Board of Trustees. And provided further that in the event such institution shall not have a Board of Trustees or there shall not be in existence, an executive committee of such Board of Trustees then such sale or disposition shall be approved by the Governor and the Attorney General.

Section 2. In the event of any such sale or disposition of any such interest such institution is hereby authorized and empowered to execute to the purchaser a conveyance or conveyances of such interest sold or disposed of, and the said conveyance or conveyances shall be executed in the name of such institution by the presiding officer of its Board of Trustees, or in the name of the State of Alabama, by the Governor of Alabama; and the execution of the same shall be attested by the Secretary of such Board of Trustees in the event the same is executed by the presiding officer, of such Board of Trustees; or in the event that such conveyance is executed by the Governor the same shall be attested by the Secretary of State, and the seal of the State of Alabama shall be affixed thereto.

Approved Feb. 15, 1927.

No. 30.)

(H. 23. Miller of Sumter.

AN ACT

Amending Section 3858 of the Code of Alabama as approved August 17th, 1923.

Section 1. Be it Enacted by the Legislature of Alabama, that Section 3858 of the Code of Alabama as approved August 17th, 1923 be and the same is hereby amended as to read as follows: In Cases Tried before a Justice of the Peace, or court of like jurisdiction, the defendant, if convicted, shall have the right to appeal to the next ensuing session of the Circuit Court of the County, on entering into bond, with sufficient sureties, in such sum as the justice or court of like jurisdiction may require, conditioned that he will appear at the court to which the appeal is taken, until discharged by due course of law. If the Defendant fails to make the required bond, he shall be confined in the county jail till tried.

Section 2: Be it further enacted that all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved Feb. 15, 1927.

No. 32.)

(S. 101. Craft.

AN ACT

To provide for the appointment of deputy registers and deputy clerks for circuit courts in all judicial circuits in the State having more than two and less than five circuit judges; to prescribe the duties and fix the compensation and salary of such deputies.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all judicial circuits in this State having more than two and less than five circuit judges, the register shall, subject to removal at his will, appoint a deputy register for said court and the clerk shall, subject to removal at his will, appoint two deputy clerks for said court in lieu of a deputy clerk and additional deputy clerk as now provided by law; the deputy register and deputy clerks shall each be paid a salary of three hundred dollars per month, payable monthly, out of the treasury of the county composing such circuit. Said deputy register and deputy clerks shall respectively possess all the powers and authority, both ministerial and judicial now or hereafter possessed by such register and clerk by whom said deputies are respectively appointed.

Section 2. This Act shall become effective upon its approval by the Governor and all laws in conflict herewith are hereby repealed.

Approved Feb. 12, 1927.

No. 36.)

(S. 49. Warren.

AN ACT

To further prescribe the duties and fix the salary of the court reporter of the Sixth Judicial Circuit of Alabama, and to provide for the payment of same.

Be it Enacted by the Legislature of Alabama:

Section 1: That from and after the passage of this Act, the official court reporter of the Sixth Judicial Circuit of Alabama shall receive a salary of Twenty-Four Hundred (\$2400.00) Dollars per annum, payable as provided by law for the payment of Court reporters.

Section 2: In addition to the duties now required by law of court reporters, the official court reporter of the Sixth Judicial Circuit, when not engaged in his regular duties in the Circuit Court, shall report the oral testimony and proceedings in all contested will cases in the Probate Court of Tuscaloosa County, Alabama, all habeas corpus proceedings, and all preliminary hearings in felony cases before a committing magistrate in said county.

Approved Feb. 15, 1927.

No. 37.)

(S. 29. Teasley.

AN ACT

To define who are agents of insurance companies; to provide for the licensing, supervision and regulation of such insurance agents; and to provide penalties for violation of laws and regulations governing insurance agents.

Be it Enacted by the Legislature of Alabama:

Section 1. Any person who solicits insurance on behalf of any insurance company or for the agent of an insurance company, or takes or transmits any application for insurance, or any policy of insurance, to or from any insurance company, or in any way gives notice that he will receive or transmit the same or receives or delivers a policy of insurance for any company, or examines or inspects a risk or receives, collects, or transmits any premium of insurance or makes or forwards any diagram of any building or buildings (except as a bona fide draughtsman), or countersigns any policy of insurance, or does or performs any other act or thing in the making or consummating of any contract of insurance with or for any insurance company, or exam-

ines or adjusts, or aids in adjusting any loss for or on behalf of any insurance company whether any such acts shall be done at the request of instance or by the employment of any insurance company, or if by any other person (except those acting as attorneys at law) is deemed an insurance agent.

Section 2. No person shall engage in business as an insurance agent until he shall have complied with the laws governing insurance agents and procured a license in accordance with the provisions of this Act. Each applicant for such license shall file with the Superintendent of Insurance his written application for a license authorizing him to engage in business as an agent in the general, or some specified line, or lines, of insurance, surety or indemnity coverage, which under the provisions of the laws of this State, may be written in the state, which application shall be accompanied by a statement, signed and sworn to by such applicant, on a blank furnished by the Superintendent of Insurance setting forth such facts as he may require, and by the affidavit of an official or representative of an insurer authorized to transact business in the State or if a licensed insurance agent of the State, that the applicant is personally known to him; that the applicant has experience, or will be instructed, in the general or some specified line or lines of insurance, surety or indemnity coverage and that the applicant is of good reputation and worthy of a license.

Section 3. The Superintendent of Insurance, his deputy or an employee of the insurance department authorized by said Superintendent of Insurance, shall examine each person applying for the first time for a license to act as an insurance agent and, in his discretion, may examine any applicant for renewal of such license as to his qualifications to act as such agent. If said Superintendent of Insurance shall be satisfied that such applicant possesses the qualifications required by section two hereof and that he is reasonably familiar with the provisions of the laws of this State relating to insurance and with the terms and conditions of the policies or contracts he is proposing to solicit, negotiate or effect, he shall issue to such applicant an insurance agent's license to transact business in the State on behalf of any insurer certifying such applicant's name. Such license shall expire on December thirty-first of each year unless sooner revoked for cause by said Superintendent of Insurance.

Section 4. Said Superintendent of Insurance, after twenty days' notice of his intention so to do, given in writing to the agent and the company or companies represented by him, may revoke any license upon proof that it was obtained by fraud or misrepresentation or that the interests of the insurer or the interests of the public are not properly served under such license. The Superintendent of Insurance may also, after like notice,

suspend any license for cause, any person aggrieved by the action of said Superintendent of Insurance in revoking, suspending or refusing to grant a license may petition the Circuit Court for the County of any county where the act for which said license was revoked or suspended, was committed, or in case of refusal to issue a license to an applicant then in the county of the residence of such applicant, to require said Superintendent of Insurance to show cause why such license should not be reinstated or issued, and upon final hearing said Court shall render such decree as may appear proper under the law and facts in the case.

Section 5. Each insurer authorized to transact business in the State shall, from time to time, certify to said Superintendent of Insurance the names of all agents appointed by it to solicit, negotiate or effect contracts of insurance, indemnity or surety in this State.

Section 6. The provisions of this Act shall not apply to any executive officer or traveling salaried employee of any such insurer, to any reciprocal exchange or to any fraternal societies.

Section 7. Any person who shall violate any provision of this Act shall be fined not more than five hundred dollars.

Section 8. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 9. This act shall take effect immediately upon the approval of the Governor.

Approved Feb. 10, 1927.

No. 38.)

AN ACT

(S. 55. Fite.

To provide for the appointment of an additional assistant solicitor to be known as the second assistant solicitor for each judicial circuit in the State, now or hereafter composed of one county having more than two circuit judges and less than nine circuit judges, to fix the term of said office, to prescribe the duties and authority of said additional assistant solicitor to be known as the second assistant solicitor and to fix his compensation.

Be it Enacted by the Legislature of Alabama:

1. That in any judicial circuit now or hereafter composed of one county having more than two judges and less than nine judges, immediately upon the approval of this act, there shall be appointed by the circuit solicitor an additional assistant solicitor of the said circuit to be known as the second assistant solicitor and to represent the State in cases in the inferior courts, and in preliminary proceedings, applications for bail, and habeas corpus proceedings in all courts, to aid or act for the circuit solicitor before the grand jury in all matters in the circuit court when requested to do so by the circuit solicitor, and to perform

all duties of the circuit solicitor whenever so directed by the circuit solicitor.

2. That said additional assistant solicitor to be known as the second assistant solicitor shall be paid out of the general funds of the county treasury in equal monthly installments, an annual salary of (\$3600.00) thirty-six hundred dollars.

3. That the term of office of said additional assistant solicitor to be known as the second assistant solicitor shall be at the pleasure of the circuit solicitor, and the said additional assistant solicitor to be known as the second assistant solicitor, may be removed at any time by the circuit solicitor at the pleasure of the circuit solicitor.

4. That this act shall take effect immediately upon its passage and approval.

Approved Feb. 10, 1927.

No. 39.)

AN ACT

(S. 72. Fite.

For the protection of persons furnishing materials, foodstuffs, supplies, and labor for the construction of public works, and for other purposes.

Be it Enacted by the Legislature of Alabama:

Section 1. That hereafter, any person, firm or corporation entering into a contract with this State, or any county or municipal corporation in this State for the repair, construction or prosecution of any public building or public work shall be required, before commencing such work, to execute a bond payable to the State, county or municipal corporation, with good and sufficient surety, approved in writing by the authority having charge of the making of such contract, conditioned that such contractor or contractors, shall faithfully perform such contract, and shall promptly make payment to all persons supplying him or them with labor, material, feed-stuffs, or supplies, in the execution of the work provided for in such contract. Provided, However, that this act shall not apply to contracts of less than \$1,000.00 in amount.

Section 2. Any person, firm or corporation supplying the contractor with labor, materials, feed-stuffs or supplies, after the complete performance of the contract and within six months therefrom, shall, upon application therefor and furnishing affidavit to the authority under the direction of whom such work has been prosecuted, that labor, material, feed-stuffs or supplies for such work has been supplied by him or them, and that payment for the same has not been made, be furnished a certified copy of said bond, and shall have a right of action thereon, and shall be authorized to bring suit on said bond in his or their name

or names, and to prosecute the same to final judgment and execution.

Section 3. That where suit is instituted by any of such creditors on the bond of the contractor, it shall not be commenced until after the complete performance of said contract and final settlement thereof; and where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto. If the recovery on the bond should be inadequate to pay the amounts found to be due to all of said creditors, judgment shall be given to each creditor pro rata of the amount of the recovery. In all suits instituted under the provisions of this act, personal notice of the pendency thereof, informing them of their right to intervene as the court may order, shall be given to all known creditors, and in addition thereto, notice by publication for three successive weeks shall be given in some newspaper of general circulation published in the county where the work or a part thereof is being or has been performed. "Provided, that all actions against the surety, as provided under this act, must be commenced within six months after the complete performance of said contract and final settlement thereof. Any action hereunder may be brought in the county where the work was done or in any county where the contractor does business by agent."

Approved Feb. 10, 1927.

No. 40.)

(S. 74. Jones.

AN ACT

To create a Commission to be known as The Alabama Muscle Shoals Commission, to provide its appointment, to define its duties and powers and to make an appropriation for its expenses.

Be it Enacted by the Legislature of Alabama:

Section 1. The Alabama Muscle Shoals Commission is hereby created to be composed of seven (7) members, two (2) members to be appointed by the President of the Senate, three (3) members to be appointed by the Speaker of the House of Representatives and two (2) members to be appointed by the Governor.

Section 2. The Alabama Muscle Shoals Commission shall organize by electing a Chairman and such other officers and employees as may be necessary, in the judgment of the Commission, for the carrying out of the purposes herein prescribed and may also employ an attorney or attorneys and fix the compensation of all their employees.

Section 3. Said Commission shall have the power to incur traveling expenses, summons and examine witnesses and take

such other steps as may be necessary to carry out the purposes of this Act.

Section 4. Said Commission may sit during the legislative session and at other times as may be deemed advisable by the Commission. While sitting as a commission during the recess of the Legislature the members of the Commission shall receive ten dollars per day as members of the Commission, payable out of the appropriation herein provided.

Section 5. Said Commission shall investigate the right, title and interest of the State of Alabama in and to the power dam, power site and other improvements at Wilson Dam and Muscle Shoals and report to this Legislature their findings and conclusions and recommend to the Legislature such statutes as ought to be enacted to preserve and conserve all the rights, title and interest of the State of Alabama in the said Muscle Shoal and Wilson Dam improvement and project and also to conserve and preserve the right, title and interest of the State of Alabama in the beds of the streams in Alabama.

Section 6. For the purposes of carrying out the provisions of this Act the sum of twenty-five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of the general fund in the State Treasury not otherwise appropriated, which said sum is to be used for paying any expenses, contracts or other obligations of said Commission; payable on the order of the Chairman, with the approval of the Governor, directed to the State Auditor who shall draw his warrant upon the State Treasury for the same.

Section 7. When the said Commission shall have finished its findings and made its final report to the Legislature of Alabama the said Commission shall be dissolved and its powers and duties shall cease and it shall be discharged.

Section 8. That all laws and parts of laws in conflict with any of the provisions of this Act be and are hereby repealed.

Approved Feb. 10, 1927.

No. 41.)

(S. 99. Ellis of Dallas.

AN ACT

To amend Section 1053 of the Code of Alabama 1923,

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1053 of the Code of 1923 be and the said Section 1053 is hereby amended so as to read as follows: Section 1053. The State Board of Health shall elect an executive officer to be known as the State Health Officer, and shall fix his term of office and salary, provided that the latter shall not exceed seven thousand five hundred dollars per annum. The

State Health Officer so elected shall, under the direction of the State Board of Health, exercise general supervision over county boards of health and county and municipal health officers, and shall promptly report to said county boards of health any delinquencies of official duty on the part of said county and municipal health officers, which may come to his knowledge; shall keep himself informed in regard to all infections, contagious, and pestilential diseases, which may be in danger of invading the State, and shall, so far as authorized by law, take prompt measures to prevent such invasion; shall keep the Governor informed as to the health conditions prevailing in the State, especially as to outbreaks of any of the diseases enumerated in Section 1092 of this Code, and shall submit to the Governor such recommendations as he deems proper to control such outbreaks.

Approved Feb. 10, 1927.

No. 42.)

(S. 25. Stanley.

AN ACT

To amend Section 2975 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 2975 of the Code of Alabama of 1923 be and the same is hereby amended so as to read as follows: 2975 (2038) Soldiers' Home at Mountain Creek Established. The Governor shall nominate and appoint one person from each Congressional District in the State, and three from the State at large, who shall be known Confederate veterans so far as practicable, and who, with the Governor and the Chairman of the Soldiers' Home Committee of the Alabama Division of the United Daughters of the Confederacy shall constitute a Board of Control for the Soldiers' Home at Mountain Creek which was conveyed to the state by Jefferson M. Faulkner, and each of said members appointed shall serve for the period of six years from the time of their appointment and until their successors are appointed and qualified, except the Governor, and the Chairman of the Home Committee from the Daughters of the Confederacy, the latter who shall serve during her term of office in the Alabama Division.

Approved Feb. 15, 1927.

No. 43.)

(S. 26. Stanley.

AN ACT

To amend Section 2981 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 2981 of the Code of Alabama of 1923 be, and the same is hereby amended so as to read as fol-

lows: 2981 (2044) Veterans Who are Eligible.—Only indigent Confederate veterans and wives, when accompanied by their husbands, and widows of Confederate soldiers over the age of sixty years, who shall have been bona fide residents of the State of Alabama, for one year prior to making application for admission into the soldier's home shall be eligible as beneficiaries under this article, provided that the wife of such Confederate veteran shall at the time of such application, be over the age of sixty years, and that she shall have been the wife of such Confederate veteran for five years or more prior to making such application for admission to said home. The widows of veterans whose husbands die while inmates of the home, and who accompanied their husbands to the home, may remain inmates and beneficiaries of the home.

Approved Feb. 15, 1927.

No. 44)

AN ACT

(S. 80. Fite.

To amend Section 2051 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

That Section 2051 of the Code of Alabama of 1923 be amended so as to read as follows: 2051 (1293) Water Closest, Privies etc. To regulate dry closets, water closets, and septic tanks, and the construction thereof, and to compel the installation of the same, and connection of such water closets with such septic tanks or with the sewerage system of the city or town, and in case of a failure to install or connect after reasonable notice, then the city or town may install proper dry closets, water closets or septic tanks as it deems advisable, and connect such water closets with such septic tanks or with the sewerage system of the city or town, at the expense of the owner, the cost thereof to be a lien upon the property in favor of the city or town, to be collected as other debts are collected or liens enforced. When dry closets, water closets or septic tanks are installed and connections made by the city or town under the provisions of this section, the mayor of such city or town shall prepare a statement in writing setting forth the name of the owner and a description of the property on which such improvements have been made, together with the cost of such sanitary connection and installing of the closets or septic tanks, which must be signed by the mayor in his official capacity and filed with the Probate Judge of the county in which such property is situated for record in the mortgage records of the county. The filing of such statement shall operate as notice of the existence of such lien from the date of its filing.

Approved Feb. 17, 1927.

No. 45.)

(H. 96. Tunstall

AN ACT

To make appropriation of Two Hundred and Fifty Thousand (\$250,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present Session of the Legislature and the Recess Committees raised by the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of Two Hundred and Fifty Thousand Dollars (\$250,000.00), or so much thereof as may be necessary, to defray the expenses of the present session of the Legislature and the Recess Committees of the Legislature.

Approved Feb. 11, 1927.

No. 46.)

(H. 170. Lee.

AN ACT

To amend Section 6383 and 6384 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6383 of the Code of Alabama of 1923 be and the same hereby is amended so that it shall read as follows: "6383. Banking Corporations May Extend Corporate Existence. Any banking Corporation, or any corporation engaged in doing a banking business, whether organized under a general law or by a special Act of the Legislature, or otherwise, may from time to time, at any time before the expiration of the original term of its corporate existence, or before the expiration of any extended term of its corporate existence, extend its corporate existence for such additional period it may desire, not to exceed twenty years, in the manner prescribed in the next following Section."

Section 2. That Section 6384 of the Code of Alabama of 1923 be and the same hereby is amended so that it shall read as follows: "6384. Method of Extending Corporate Existence. The Board of Directors shall pass a resolution that such extension is desirable, and shall call a meeting of the stockholders in accordance with the provisions of Section 7002 of the Code of Alabama of 1923, to take action thereon, notice of which said meeting shall be filed with the State Superintendent of Banks. If the holders of the larger amount in value of each class of stock having voting power shall vote in favor of such extension the proceedings shall be certified by the President and the Secretary or Cashier under the corporate seal, and proved and ac-

knowledge as in the case of deeds to real estate, and such certificate shall be filed with the Superintendent of Banks. If the proceedings and certificate are in proper form the Superintendent of Banks shall endorse his approval thereon, and thereupon the corporation shall file the same in the office of the Probate Judge of the county where such corporation has its principal place of business; and upon such filing the corporate existence of such corporation shall be deemed extended in accordance with said certificate."

Section 3. The provisions of this Act shall be effective immediately upon its adoption.

Approved Feb. 15, 1927.

No. 49.)

(H. 262. Martin.

AN ACT

To regulate further the financing of public improvements, to permit the reduction or abatement of assessments therefor in certain cases, to provide for the refunding of bonds issued therefor and to validate proceedings heretofore taken relating thereto in cities having a population of as many as twenty-five thousand and less than fifty thousand people according to the last Federal census or any such census which may hereafter be taken.

Be it Enacted by the Legislature of Alabama:

Section 1. That the provisions of this Act shall apply only to cities in the State of Alabama which have a population of as many as twenty-five thousand and less than fifty thousand people according to the last Federal census or which shall hereafter have such a population according to any such census that may be taken hereafter, said cities being known as cities of class "C" under laws now in force.

Section 2. That the governing body of any city of the class described in section 1 hereof shall have power to reduce or abate any assessments heretofore or hereafter made for public improvements in such city in cases where such assessments have been levied or attempted to be levied against property owned by the State of Alabama or by such city or by the county in which such city is located or by any church, hospital or other charitable organization or in any case where the governing body after due inquiry has determined that the assessment on any particular property has been made erroneously or is in excess of the benefit derived by such property or so great as to constitute an undue burden upon the property, having in view the value thereof, whether or not such assessment shall have been made final and the time to appeal therefrom expired, provided, however, that it is not intended hereby to authorize such governing body

in any case to set aside or abate all assessments made for any public improvement.

Section 3. That the governing body of any city of the class described in section 1 hereof shall have the power, pursuant to and in the manner provided by section 2292 of the Code of Alabama, to settle, adjust and refund any bonds of such city heretofore or hereafter issued to provide the cost of street, sidewalk or sewer improvements whereof the cost in whole or in part was assessed against the property abutting said improvements, whether such bonds have already become due and payable or are about to become due and payable or are callable according to their terms, and the said governing body deems it to the best interest of the city to call said bonds and raise funds for the payment thereof by the sale of bonds as herein authorized, provided, however, that all sums derived from the payment of assessments and being in the hands of the city at the time of such refunding shall be first applied to the payment of the outstanding bonds and refunding bonds shall be issued only in such amount as shall be necessary to raise the difference between the amount required for the payment of the outstanding bonds and the amount so held for the payment thereof.

Section 4. That in any case where the city of the class described in section 1 hereof has used any part of its water works fund or other special fund of like character for the purpose of taking up at maturity bonds or coupons representing a portion of the principal of bonds which had theretofore been issued for public improvements and which had fallen due, the provisions of the preceding section hereof shall be construed to permit either the issuance of refunding bonds to the city treasurer as custodian of such fund, or the sale of such bonds for the purpose of replacing in such fund, all moneys of such fund so used.

Section 5. That in exercising the powers conferred by the preceding sections hereof it shall not be necessary to make a separate issue of refunding bonds with respect to each outstanding issue, but two or more of such outstanding issues or portions thereof may be grouped together in a single refunding issue, in which event all assessments thereafter collected with respect to any of the improvements financed by the separate issues or the proper proportionate part thereof, shall be applicable to the payment of such refunding bonds.

Section 6. That a separate sinking fund account shall be provided and kept for each refunding bond issue authorized under the provisions hereof to which shall be credited all collections made on assessments levied with respect to the improvements financed by the original issues of bonds or the proper proportionate part thereof, and such sinking fund shall be used only for the purpose of paying interest and principal on such

bonds in that particular group or series as they mature, and the balance needed for the payment of principal and interest by reason of the reduction or abatement of assessments as herein provided or by reason of failure to collect assessments or otherwise, shall be provided out of the general funds of the city raised by taxation or otherwise.

Section 7. That all proceedings heretofore taken with respect to the reduction or abatement of assessments or the issuance of bonds for the purposes herein specified and all sales of such bonds heretofore made, be and the same hereby are ratified.

Section 8. That the powers herein given are cumulative and shall not be construed as depriving cities of the class described in section 1 hereof of any powers now provided by law in connection with such matters.

Section 9. This law shall become effective upon its approval by the governor of Alabama.

Approved Feb. 17, 1927.

No. 53.)

AN ACT.

(S. 68. Williams.

To amend Section 4039 of the Code of 1923.

Be it Enacted by the Legislature of Alabama:

1. That Section 4039 of the Code of 1923 be, and hereby is, amended so as to read as follows to-wit: Whenever there shall be a surplus of the fund arising from fines and forfeitures in the county treasury of any county, over and above the sum required to pay the registered claims of the State witnesses, the County Treasurer of such county must pay the fees of the officers of the Court arising from criminal cases in which the defendant is not convicted and the costs are not imposed on the prosecutor, or in which defendants have been convicted, and have been proved insolvent by the return of executions "no property found," or in cases in which the State enters a nolle prosequi, or where the indictment has been withdrawn and filed, or the prosecution abated by the death of the defendant, unless the payment or distribution of such funds are otherwise provided for. This section shall be held to apply to all fees of officers of the trial court arising on an appeal by the defendant to the Supreme Court or the Court of Appeals, in cases where the judgment of the trial court is reversed and a new trial allowed, or the defendant ordered discharged. It shall also apply in appealed cases, where the defendant has appealed from a conviction and sentenced to the State penitentiary, and the conviction is affirmed, to such part of the fees of the officers of the trial court, arising on the appeal, as are not paid from the convict fund under Sections 3667

and 3668 of the Code, an execution for such unpaid part of such fees having first been issued against the defendant and returned "no property found". It shall further apply to the fees of the officers of the trial court, arising on an appeal, in cases where the defendant has appealed from a conviction, the punishment fixed being otherwise than imprisonment in the State penitentiary, and the judgment of the trial court is affirmed, provided the defendant be first proved insolvent by the return of the execution "no property found".

2. Should any part of this Act be declared unconstitutional, such decision shall not affect the remaining parts thereof; but, on the contrary, the same shall remain of full force and effect.

3. Provided that no fees of a Circuit Solicitor or trial tax, whether heretofore accrued or hereafter accruing, shall be taxed against or paid out of the fine and forfeiture funds of any county.

Approved Feb. 18, 1927.

No. 54.)

AN ACT

(S. 105. Carlton.

To authorize leaves of absence of employees of the State on full pay, who are members of the American Legion, and members of the American Legion Auxiliary, for the purpose of attending the National Legion Convention in Paris.

Be it Enacted by the Legislature of Alabama:

Section 1. That leaves of absence with full pay of two months, or so much thereof as may be necessary, be granted to all employees of the State who are members of the American Legion and members of the American Legion Auxiliary, and who attend the National American Legion Convention, which convenes in Paris, France, during September, 1927.

Approved Feb. 15, 1927.

No. 55.)

AN ACT

(S. 120. Craft.

To provide for the designation, nomination, and election by number of judges in judicial circuits now or hereafter composed of one county having more than two judges and less than nine judges.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all judicial circuits of the State of Alabama, which are or may hereafter be composed of only one county having more than two judges and less than nine judges, the judges shall be numbered, one, two, three and so on consecutively, so that each judgeship shall be designated by separate num-

ber and the judgeships or candidates for such judgeships shall be so designated on the ballots used in any primary and general election held for the purpose of nominating or electing said judges.

Section 2. That upon the passage of this Act and its approval by the Governor, the judges then holding office shall be numbered by the Presiding Judge of said Circuit with regard to seniority of service on the bench so that the judge having served longest in point of time on the bench shall be designated as Judge numbered one, the judge having served next longest in point of time on the bench shall be designated as Judge numbered two, and the other judge or judges shall be designated as Judge numbered three, and so on consecutively in point of time of service on the bench.

Section 3. That where the time of service of two or more judges shall be the same, the presiding judge shall, as soon as such judges are elected and qualified, designate the number of each of said judges giving them a different number.

Section 4. That the Presiding Judge or in his absence the Presiding Judge Pro Tem shall enter an order on the minutes of the Court setting out the number assigned to each judge.

Section 5. That the method of electing or selecting the Presiding Judge and the Presiding Judge Pro Tem shall remain the same as now provided by law, regardless of the number or designation by number of the judges or judgeships.

Approved Feb. 15, 1927.

No. 56.)

(S. 125. Fite.

AN ACT.

To authorize and empower any political party hereafter holding a primary election under the primary election laws of Alabama for the nomination of its candidate for Circuit Judge to sit as of course in that branch or division of the Circuit Court which is now held or may hereafter be held at a place other than at the county site for the trial of cases arising within a designated portion of such county in circuits composed of only one county for which more than three judges are provided, to nominate its candidate for judge to sit as of course in such branch or division of such court exclusively by the vote of the qualified electors participating in such primary within such designated portion of such county where the cases arising therein are tried in such branch or division of such court.

Be it Enacted by the Legislature of Alabama:

Section 1. That in circuits composed of only one county for which more than three judges are provided and where a branch or division of the circuit court of such circuit is held at a place other than at the county site for the trial of cases arising within a designated portion of such county, or in which such court

may hereafter be authorized by law to be so held, any political party holding a primary election under the primary election laws of this State for the nomination of its candidate for judge to sit as of course in that branch or division of such circuit court which is held at such place other than the county site for the trial of cases arising within a designated portion of such county, may by or through its executive committee, or other governing authority of such political party, authorize or direct that its candidate for judge to sit as of course in that branch or division of the court which is held in such county at a place other than the county site, shall be nominated by the voters participating in such primary exclusively in that portion of said county over which said branch or division of said court has jurisdiction and within which the cases tried in such branch or division of such court arise.

Section 2. That in the event of any such political party so authorizing or directing the nomination of its candidate for such judgeship, the official ballot in any such primary election shall contain the names of the candidates for such party nominee only in that designated portion of such county where such branch or division of such court is held at a place other than at the county site and within which the cases arising in such portion of the county are tried in such branch or division of said court.

Section 3. That if any section, sentence, clause, or provision of this Act is held to be unconstitutional or void such holding shall not in any manner affect any other section, clause, sentence or provision of this Act that is not in itself unconstitutional or void.

Section 4. That all laws and parts of laws whether general, local or special in conflict with this Act are hereby expressly repealed.

Approved Feb. 18, 1927.

No. 59)

(H. J. R. 25. Jeter

HOUSE JOINT RESOLUTION

WHEREAS, Jefferson County is the largest County in the State and pays a very great proportion of the taxes of the State, THEREFORE, BE IT RESOLVED by the House, the Senate concurring, that there be and hereby is, established a Joint Recess Committee of the two Houses to consist of three members of the House, to be appointed by the Speaker, and two members of the Senate to be appointed by the President of the Senate, no one of whom shall be from Jefferson County; such committee shall have power to sit at such time as it may see fit and shall have power to subpoena witnesses and compel their attendance; it

shall also have power to inspect the records of any and all offices and departments in said County; and the Chief Examiner of Accounts of the State is authorized and directed to furnish for the use of such committee one of his assistants who shall assist the Committee in its work, and said Committee shall make a written report of its finding to the Legislature on its reconvening, and the Solicitor of Jefferson County, Alabama and the Attorney General of Alabama shall furnish such Committee with such advice and counsel as it may call for from them or either of them. The members of such Committee shall receive the same compensation as members of other recess committees receive.

Approved February 16, 1927.

No. 60.

(H. J. R. 26. Pegues.

HOUSE JOINT RESOLUTION.

WHEREAS the laws of the State require that the U. S. Flag and the Alabama Flag be displayed; and

WHEREAS it seems only reasonable that the State should be just as zealous in its display of said flags as its laws require of others,

THEREFORE BE IT RESOLVED, That:

1. It is the consensus of opinion of this Legislature that the National Flag and the Alabama Flag be displayed appropriately on the capitol grounds every day in the year.

Approved Feb. 15, 1927.

No. 61.)

(H. 126. Byars.

AN ACT.

To authorize the Board of Education of any county, in order to acquire, construct or repair any public school building in any school district of such county or for paying for a public school building or buildings already built in any such district, or to raise money for any such purpose, to issue interest bearing school warrants.

Be it Enacted by the Legislature of Alabama:

Section 1. The Board of Education of any county, in order to acquire, construct, or repair any public school building in any school district of such county, or for paying for a public school building or buildings already built in such district, or to raise money for any such purpose, is hereby authorized to issue school warrants, bearing interest at a rate not to exceed six per cent per annum for an amount, including interest, not to exceed the income from all special five mill district tax levies in such district, estimating such income upon the basis of the assessed value

of the taxable property in such district for the preceding tax year, as the annual return from such levy.

Section 2. The due date of such school warrants shall not extend beyond the 30th day of September next after the time when the tax for the last year of such levy shall become delinquent.

Section 3. All warrants shall be signed in the name of such board by its president and shall be a preferred claim upon the proceeds of said tax levy in such school district each year during the period for which such warrants are issued to the extent of the warrants maturing during said year, and such board shall, at the beginning of each tax year, by resolution entered upon its minutes, set apart so much of the tax income, from such source, for that year as will be necessary to meet all warrants maturing during that year.

Section 4. This Act shall not repeal directly or by implication any other statute with reference to schools but shall be in addition to all such existing statutes.

Approved Feb. 15, 1927.

No. 68.)

(H. 261. Rogers of Mobile.

AN ACT.

To further provide for the compensation of Official Court Reporters in all judicial circuits of the State of Alabama which now or hereafter may be composed of only one county having more than two and less than nine circuit judges.

Be it Enacted by the Legislature of Alabama:

Section I. That in addition to the salary of two hundred dollars per month now provided for, the official court reporters are entitled to all transcript fees which are now authorized to be charged for by the law and they may charge, collect and retain a transcript fee of ten cents per hundred words in all such cases.

Section II. All laws and parts of laws in conflict with the provision of this Act are hereby repealed.

Section III. That this Act shall become effective upon its approval by the Governor.

Approved Feb. 17, 1927.

No. 69.)

(S. J. R. 10. Mr. Brown.

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House concurring:

1st:—That a joint committee of the Senate and House is hereby created, to consist of two members on the part of the Senate, to be appointed by the Presiding Officer of the Senate,

and three members on the part of the House, to be appointed by the Speaker of the House, who shall elect one of their number as Chairman of such Committee.

2nd:—It shall be the duty of this Committee to investigate the School Text Books of the State as to whether or not any law has been violated as to carrying out any contracts in supplying school books to the State by the publisher, and to make any other investigation that may be advisable in making a full report of the Text Books of the State.

3rd:—This Committee shall have full power and authority to call for individuals, documents, books, papers and any other information deemed necessary in making such investigation.

4th:—That it shall be the duty of said Committee to make such recommendations to the Legislature from its findings as they may think best, and to make report in a reasonable time.

5th:—That it shall have the power to employ a secretary who, with the committee, shall be paid a per diem and expenses in the same manner that other legislators and committees are paid.

Approved Feb. 18, 1927.

No. 70.)

(S. 16. Young.

AN ACT.

To further regulate the working of convicts in Alabama, and provide penalties for violations of such regulations.

Be it Enacted by the Legislature of Alabama:

Section 1. From and after June 30, 1928, it shall be unlawful to work any convict, State or County, in any coal mine of Alabama.

Section 2. That from and after June 30, 1928, it shall be unlawful to hire or lease for any purpose, any convict, State or County.

Section 3. That any person, firm or corporation violating any of the provisions of this Act shall be, for each violation, guilty of a felony and be punished by imprisonment in the penitentiary for not less than one nor more than ten years.

Section 4. That all laws and parts of laws in conflict herewith be, and the same are hereby, expressly repealed.

Approved Feb. 18, 1927.

No. 71.)

(S. J. R. 38. Rules Committee.

SENATE JOINT RESOLUTION

Resolved by the Senate, the House concurring, That the Secretary of the Senate, assisted by the Assistant Secretary of the Senate, the Second Assistant Secretary of the Senate and the

Chief Clerk to the Secretary of the Senate, together with six assistants to be named by the Secretary of the Senate, the Clerk of the House, the Assistant Clerk of the House and the Reading Clerk of the House, together with six assistants to be named by the Clerk of the House, be allowed the customary fifteen days within which to check, compare and complete the journals of the House and Senate beginning immediately upon the recess of the Legislature.

Be it further resolved, That the Secretary of the Senate and Clerk of the House shall keep their respective offices open during the above specified fifteen days for the convenience of any Senator or Representative and the recess committees of the Legislature.

Be it further resolved, That after the completion of the work on the journals, the Secretary of the Senate, the Assistant Secretary of the Senate and the Second Assistant Secretary of the Senate, the Clerk of the House, Assistant Clerk of the House and the Reading Clerk of the House shall be required to keep open the offices of the Secretary of the Senate and Clerk of the House during the remainder of the recess of the Legislature for the convenience of any Senator or Representative and the recess committees of the Legislature and such recess committees may require of them any service necessary to facilitate committee work. The clerks herein mentioned shall be allowed the same per diem as they are now allowed by law and shall also be allowed their traveling expenses while traveling with or for a recess committee, should they be called upon to do so by any of said committees, to be paid out of the State Treasury upon certificate approved by the presiding officer of the respective houses.

Approved Feb. 18, 1927.

No. 72.)

(S. 100. Teasley.

AN ACT.

To further regulate the custody, care, maintenance and use of the county convicts by the several counties of the State and by the State through its State Board of Administration, and to repeal all laws and parts of laws in conflict herewith.

Be it Enacted by the Legislature of Alabama:

Section 1. All laws of the State and rules of the Board of Administration in regard to State convicts shall apply to county convicts kept and used by the State, as provided in this Act, except as otherwise provided by law.

Section 2. "Hard labor for the county," as used in the law of the State, shall include labor on the public roads, public bridges and other public works in the County and State, and au-

thorizes the use of the county convicts by the State Board of Administration in like manner as State convicts are now used, or hereafter used.

Section 3. The Courts of County Commissioners, Boards of Revenue, or other like bodies of the several counties of the State, may hereafter, and they are hereby authorized and empowered to, deliver to the State Board of Administration all county convicts heretofore sentenced to hard labor for the county, or who may hereafter be sentenced to hard labor for the county, in like manner as now provided by law for the delivery of State convicts to the State Board of Administration. The State Board of Administration shall receive said county convicts in the same manner as they now receive State convicts, and shall pay to the proper county authorities the items of costs provided in Section 3667 of the Code of Alabama as now provided by law. Provided, however, that where these items of costs have been paid to the proper officers for the convicts now serving their sentence, the same shall not be again paid.

Section 4. Any county of the State desiring to dispose of its county convicts, under and in accordance with this Act, shall make and enter a resolution and order through its Court of County Commissioners, Board of Revenue, or other like body, so declaring, which said resolution and order shall be placed upon the minutes of said court or board, and a copy thereof forwarded to the State Board of Administration. (Beginning ninety days after the date of said order, said county shall deliver all of its county convicts to the State Board of Administration, at the county seat of the county, or at the place where said convict or convicts are then being confined, and the State Board of Administration shall receive said convicts, as provided herein. Said order and resolution of such county shall be and remain in effect for a period of not less than three years after making the same, and all convicts sentenced to hard labor for the county shall thereafter, during the term mentioned, be delivered to the State Board of Administration, as provided for herein. Provided, however, that by and with the consent of the State Board of Administration, and with the approval of the Governor, the county may, by order and resolution of the Court of County Commissioners, Board of Revenue, or other like body, repossess its convicts; but in that event, the county shall pay for the transportation and guarding of its convicts from the place where the State is confining the same to the place of confinement within the county.

Section 5. Sections 3672 and 3673 of the Code of Alabama (1923) shall apply to county convicts in the custody and use of the State Board of Administration under the provisions of this Act.

Section 6. The State Board of Administration shall render an accounting, annually as of January 1st of each calendar year, to and with the several counties of the State whose convicts it keeps and uses under the provisions of this Act, and shall pay over to the proper officer of the several counties, to the credit of the Fine and Forfeiture Fund of said counties, all the net earnings of the county convicts from the said counties. "Net earnings," as used herein, shall be held to mean the average earning of each convict, according to his or her classification, less all expenses of cost paid under Section 3667 of said Code, cost of maintenance, guarding, food, clothing, and all other costs and expenses actually incurred by the State Board of Administration, based on general averages according to classification.

Section 7. Any county desiring to deliver the custody and control of its convicts to the State, under the provisions of this Act, upon the basis of exchange of labor, may do so, as provided under Sections 3 and 4 of this Act. The State Board of Administration shall render an accounting, annually as of January 1st of each calendar year, to the several counties of the State whose convicts it keeps and used under this Act, showing the actual number of days' work done by such convicts upon the roads of the State during the preceding calendar year, and a copy of the statement showing the number of days' work done upon the public highways shall be forwarded to the State Highway Department. The State Board of Administration shall, during the succeeding year, in lieu of the net earnings of the convicts that have so worked on roads, work an equal number of days upon the public roads and bridges in such counties, as shown by the accounting or report herein provided for. The county shall pay all costs of conviction of any of such convicts delivered to the State under this section, as provided under Section 3667 of the Code of Alabama. In addition to the cost of conviction, such counties shall be responsible for and pay over to the State Board of Administration upon demand, cost of maintenance, guarding, food, clothing, transportation, and all other costs and expenses actually incurred by the State Board of Administration, including the reasonable value of the use of the equipment used by the State in the working of such convicts while working upon the roads of such county under the provisions of this section. The work to be done on public roads in such counties shall be designated by the Courts of County Commissioners, Boards of Revenue, or other court of like jurisdiction, by an order or resolution entered upon its minutes, a copy of which shall be forwarded to the State Board of Administration. The work on roads provided for under this section shall be in addition to road work done in such county by the State under the general system of working State convicts on public roads, and such counties

shall be entitled to its share of roads worked with State convicts exclusive of the work done under this section. Provided that convicts delivered to the State under this section who are not capable of road work shall be received and accounted for to the several counties, as provided for under Section 6 of this Act.

Section 8. All and several, the statutes and laws now in force or hereafter enacted, regulating and controlling the State Convict Department and the State Board of Administration, and all rules and regulations of the State Board of Administration, and all pains and penalties, offenses, fines and forfeitures relative to the subject of convicts and convict treatment, shall apply in full force and effect as to county convicts kept and used by the State under authority of this Act insofar as the same are applicable and not otherwise expressly prohibited.

"Section 9. Nothing in this Act shall prevent any county or counties of this State from keeping or working its or their county convicts according to the law as it now exists or may hereafter be enacted and no county convict shall be worked in any coal mine or worked under lease to any person, firm or corporation after June 30, 1928. Provided, however, that the Governor of Alabama is empowered and is hereby authorized to order any or all county convicts who are now working or who may hereafter work in the coal mines of Alabama or under lease to any person, firm or corporation, removed from said mines and from said employment and declare any and all contracts under which said convicts are working or may hereafter work terminated and on ninety (90) days notice to the persons, firms or corporations so working said convicts, order and direct the State Board of Administration to take charge of said convicts under the terms and provisions of this bill."

Section 10. All laws and parts of laws in conflict herewith are expressly repealed.

Section 11. That should any part of this Act be declared unconstitutional, or otherwise invalid, the parts not so declared unconstitutional or invalid shall remain in full force and effect.

"Section 12. That this Act shall be in full force and effect insofar as its terms are applicable from and after the date of its approval by the Governor."

Approved Feb. 18, 1927.

No. 73.)

(S. 149. Walker.

AN ACT.

To authorize counties and municipalities to remit certain taxes for the purpose of encouraging the building, extending and operating of factories for the spinning of thread and yarns, and the knitting and weaving of cloth and other fabrics of cotton and wool in this State, and plants for the purpose of building ships and factories for the manufacture of

bags, wood pulp products, wooden cabinets and farm implements, or any other manufactured products.

Be it Enacted by the Legislature of Alabama:

Section 1. For the purpose of encouraging the building, extending and operating of factories for the spinning of thread and yarns and the knitting and weaving of cloth and other fabrics of cotton and wool in this State, and plants for the purpose of building ships, and factories for the manufacture of bags, wood pulp products, wooden cabinets, and farm implements, or any other manufactured products, the court of County Commissioners, or other court having like jurisdiction, of any county, or the constituted authorities of any city or town in which it is proposed to locate or add to or extend any such factories or plants are authorized and empowered to remit the taxes assessed on such factories and shipbuilding plants and on all extensions or additions to any such factories or shipbuilding plants as are already built and operated, and on all buildings, works, machinery and other equipment of such factories or plants or additions thereto or extensions thereof, and on the lands on which such buildings, plants and factories or additions to or extensions thereof are located, and also on all the capital stock of such factories and shipbuilding plants or increase of such capital stock made for the purpose of making additions thereto or extensions thereof, for all county or municipal purposes for a period not exceeding five years from the date of the incorporation or organization of such factory or shipbuilding plant, or from the date of the completion of any such additions to or extensions thereof.

Section 2. In order to obtain the benefits of the exemption from county and city taxation above provided, the person, firm or corporation owning or controlling such factory or shipbuilding plant must make application in writing to the Court of County Commissioners or court of like jurisdiction of the county, or to the constituted authorities of the city or town in which it is proposed to locate the same, giving the location thereof, the date of incorporation or organization of the corporation making the application, and praying for an order to be made by them, granting such person, firm or corporation the exemption provided in the preceding section, which application, if granted, shall be entered on the records of their court, and an order made allowing such exemption, and designating the time when such exemption shall expire; but all such property must be returned to the State for taxation, unless exempted therefrom.

Section 3. The exemption granted to any cotton mill, factory, or shipbuilding plant becoming entitled to its enjoyment, and as to the capital stock thereof, shall cease whenever the op-

eration of such mill, factory, or plant for the purposes of its construction shall be abandoned.

Section 4. That all exemptions from taxation granted by any county or municipality since the 17th day of August, 1924, under the apparent authority of Section 3023, 3024 and 3025 of the Code of 1923, are hereby validated and made effective as of the date of the granting of such exemptions.

Approved Feb. 18, 1927.

No. 75.)

AN ACT.

(H. 150. Cockrell.

To amend Subdivision 1 of Section 6755 of the Code of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That subdivision 1 of Section 6755 of the Code of 1923 be amended so as to read as follows: 1. To direct and control the property of the County as it may deem expedient according to law, and in this direction and control it has the sole power to locate the courts in the rooms of the courthouse and to designate the rooms to be occupied by the officers entitled to rooms therein, including the circuit judge, if resident in the county, and to change the location of the courts, and the designation of the rooms for officers, as it may deem best and most expedient, and this shall be done by order of the court entered upon the minutes of the court at a regular term of court. In the event the courthouse is inadequate to supply office rooms for such officers, the court may lease such office rooms in a convenient location in the county site and to pay the rental from the county funds.

Approved Feb. 18, 1927.

No. 76.)

AN ACT.

(H. 159. Nipper.

To amend Subdivision "K" of Section 5 of the Act entitled "An Act to provide for the General Revenue of the State of Alabama," approved the 15th day of September, 1919, which subdivision reads as follows: "K" On the gross amount of commissions of sums charged and received during each year by any factor, broker, or commission merchant, auctioneer or dealer in any other kind of property in buying, selling, or for any other act in the course of their business, and for the value of a commission, or by compensation by bale, sack, package, article or otherwise."

Be it Enacted by the Legislature of Alabama:

Section 1. That the subdivision "K" of Section 5 of the Act entitled "An Act to provide for the General Revenue of the State

of Alabama", approved the 15th day of September, 1919, which subdivision reads as follows: "K" On the gross amount of commissions or sums charged and received during each year by any factor, broker, or commission merchant, auctioneer or dealer in any other kind of property in buying, selling or for any other act in the course of their business, and for the value of a commission, or by compensation by bale, sack, package, article or otherwise," be and the same is hereby amended to read as follows: K.—On the gross amount of commissions or sums charged and received during each year by any auctioneer, provided, nothing herein contained shall be construed as levying a tax on commissions received for the sale or rental of real estate, or brokerage on loans on real estate or the underwriting of insurance. Be it further provided that no such tax shall hereafter be collected on commissions received for the sale or rental of real estate or brokerage on loans on real estate or the underwriting of insurance, whether such sale or rental or loans on real estate, or the underwriting of insurance occurred prior to the enactment hereof or otherwise. If any clause, sentence or provision in this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other clause, sentence or provision of this Act which is not in and of itself unconstitutional.

Approved Feb. 18, 1927.

No. 77.)

(H. J. R. 35. Jones of Bullock.

HOUSE JOINT RESOLUTION

WHEREAS, there exists from time to time a surplus of cotton, and

WHEREAS, such surplus is invariably followed by low prices for the staple and serious financial loss to the grower, and

WHEREAS, new uses for cotton and cotton products will facilitate the disposition of such surplus, and

WHEREAS, there was imported into this country last year, free from duty, from India and elsewhere, 124,940,000 pounds of jute; 4,162,000 pounds of jute butts; 16,130,212 pounds of jute sack cloth and bagging; 625,815,937 pounds of jute burlap; and 2,012,413 pounds of woven jute fabrics on which duty was paid; 48,070,063 pounds of jute bags on which duty was paid and 776,838 pounds of jute yarns, and

WHEREAS, The aggregate total value of said imported jute last year was \$108,491,009 representing a total weight of 821,907,463 pounds which is equal to the weight of 1,643,814 bales of cotton, and

WHEREAS, the Federal government alone used 1,500,000 pounds of jute twine; THEREFORE,

BE IT RESOLVED, By the House of Representatives, the Senate concurring, that, the Senators and members of Congress from Alabama be, and the same are hereby urged to use their best efforts to secure the substitution of cotton for jute, either by tariff levy, or otherwise as may seem to them wise and expedient.

Approved Feb. 18, 1927.

No. 78.)

(H. J. R. 43. Deloney.

HOUSE JOINT RESOLUTION

WHEREAS, the construction of Wilson Dam on the Tennessee River and the erection of two Nitrate Plants in the Muscle Shoals District, State of Alabama, was designed to furnish cheap nitrates for the farmers of the United States in time of peace; and

WHEREAS, the question of the proper method of operating the Nitrate Plants and using the power for purposes originally designed, has been before the Congress of the United States for more than seven years; and

WHEREAS, the determination of that question has been postponed from time to time for seemingly selfish interests; and

WHEREAS, each postponement carries with it a continuation of high prices of fertilizer resulting in a loss of approximately twenty million dollars (\$20,000,000) annually to the farmers of the country; Therefore

BE IT RESOLVED by the Senate and House of Representatives of the State of Alabama that His Excellency, Calvin Coolidge, President of the United States be and he is hereby requested to call an extra session of the Congress of the United States to assemble at the earliest date practicable after the adjournment of the present session so that the policy of the Government in the operation of the Dam and Nitrate Plants may be finally determined.

BE IT FURTHER RESOLVED that the Governor of the State of Alabama, immediately upon the passage of this resolution, transmit the same to President Coolidge.

Approved Feb. 18, 1927.

No. 79.)

(H. 95. Tunstall.

AN ACT.

"To fix the per diem or compensation of members of all recess committees or commissions appointed by joint resolution or act of the two houses of the Legislature, and the compensation of their employees and to provide for their payment."

Be it Enacted by the Legislature of Alabama:

Section 1. That the compensation of all members of recess committees or commissions provided for by joint resolution or Act of the two houses of the Legislature be, and the same is hereby, fixed at eight dollars per day. Said committees or commissions shall receive compensation for the entire time engaged, except in cases of adjournment exceeding three days; provided, that members shall collect mileage except for one time, in traveling to and from his residence to the Capitol: Provided if in the judgment of any Committee it shall be necessary to travel away from the Capitol, in making any investigation, then necessary traveling expenses shall be paid in addition to the compensation above fixed. "Persons employed by said several committees shall be paid such reasonable compensation as may be fixed by the Committee making the employment. "The Chairman of each such Committee or commission shall certify to the Auditor what amount is due each member or employee, and the Auditor shall draw his warrant therefor on the State Treasurer."

Approved Feb. 18, 1927.

No. 80.)

(H. 273. Goode.

AN ACT

To provide for the codification, revision, digesting and promulgation of the public statutes of Alabama which pertain to agriculture and industries, and related subjects, which are administered by, or relate to the duties of the Commissioner of Agriculture and Industries, the Department of Agriculture and Industries or the State Board of Agriculture.

Be it Enacted by the Legislature of Alabama:

Section 1. The Chief Justice of the Supreme Court, the Governor and the Commissioner of Agriculture and Industries of Alabama are hereby authorized, empowered and directed to select a Code Commissioner whose duty it shall be to codify, revise, digest and promulgate all public statutes of Alabama pertaining to agriculture and industries, and related subjects, and which are administered by or concern or relate to the duties of the Commissioner of Agriculture and Industries, the Department of Agriculture and Industries, or the State Board of Agriculture.

Section 2. Such Commissioner shall not simply transcribe such statutes as enacted by the Legislature, but shall, without changing the intent of the law-maker, so alter the phraseology as to eliminate and exclude all redundancy, prolixity and obscurity of expression; and when there shall be several acts relating to the same matter or subject, they shall be condensed into one concise statement of the whole; when it is apparent that there are legislature omissions or mistakes, or that additional provisions are necessary to make the law of practical application or legal, said commissioner shall supply and rectify the same so as to correct, perfect or make legal such statute or statutes, and render its meaning clear and its operation complete. It shall be the duty of the commissioner to correct, clarify, complete and harmonize such statutes.

Section 3. Said Commissioner shall reduce into a written and systematic Code all of said statutes which shall be published in one volume and be known as "The Agricultural Code of Alabama." Said Commissioner shall prepare appropriate chapters, titles, and subdivisions of titles for each chapter succinctly expressive of the subjects treated, and shall properly index said Code.

Section 4. Each section of said Agricultural Code of Alabama shall be numbered, and following each section shall be placed such notes, references, citations of statutes or decisions of the courts as the commissioner deems proper for ready reference or judicial construction.

Section 5. It shall be the duty of said commissioner at such time as shall be fixed by the said Chief Justice, Governor, and Commissioner of Agriculture and Industries, to deliver to the Governor said Code, together with a sworn statement showing each and all changes he shall have made, together with each addition or omission, with accurate reference to the Acts and laws so altered, changed or omitted. The commissioner may include in such sworn statement his reasons for any change, addition or omission. The Governor shall submit said Code and the sworn statement of the Commissioner to the Legislature and the Governor may submit with said Code recommendations as to such alterations, changes, omissions, additions or modifications as to him seem proper.

Section 6. The Commissioner shall also superintend the publication and editing of the Code, and shall read the proof and compare the same with the original manuscript adopted by the Legislature.

Section 7. Said Commissioner shall receive from the State of Alabama for his services such sum payable in such manner as shall be fixed by the said Chief Justice, Governor and Commissioner of Agriculture and Industries. He shall be furnished

by the Governor such stationery, office room and office fixtures, stenographic and clerical help as necessary. There is hereby appropriated a sufficient sum to carry into effect this Act. Provided, however, that the total expense to be incurred hereunder shall not exceed two thousand dollars.

Section 8. Should the commissioner resign or become unable to execute his duties without having received compensation for his work, he or his legal representative shall be paid in proportion to the work performed, and in the event of his death equitable payment for the work done shall be made to his legal representative. The Chief Justice of Supreme Court, Governor and Commissioner of Agriculture and Industries shall determine the amount due in such cases.

Section 9. In the event the Commissioner fails on account of resignation, death, inability or other reason, to perform the duties required of him by this Act, the Chief Justice of Supreme Court, Governor and Commissioner of Agriculture and Industries shall appoint a suitable person to perform or complete said work, who shall have all the rights, powers and duties of Commissioner.

Section 10. This Act shall become effective immediately upon the approval of the Governor.

Approved Feb. 18, 1927.

No. 81.)

(H. J. R. 36. Pegues.

HOUSE JOINT RESOLUTION

WHEREAS the enormous crop of cotton has made the supply far in excess of the demand; and

WHEREAS the only hope for better prices is an increased demand; and

WHEREAS some manufacturers of fertilizer have adopted the policy of using sacks made of cotton; and

WHEREAS it is believed other manufacturers could be induced to adopt this policy;

THEREFORE BE IT RESOLVED by the House, the Senate concurring, That:

1. We commend the steps taken by some manufacturers to increase the demand for cotton.

2. We call upon the Commissioner of Agriculture to use all the influence of his department to induce other manufacturers to use sacks made of cotton, and in so doing to send a copy of this resolution to every such manufacturer approached.

Approved Feb. 18, 1927.

No. 82.)

(S. J. R. 25. Watt T. Brown.)

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, the House concurring:

That a joint committee of the Senate and the House is hereby created to consist of two members on the part of the Senate, to be appointed by the presiding officer of the Senate, and three members on the part of the House, to be appointed by the Speaker of the House, whose duty it shall be to visit the Alabama School of Trades & Industry at Gadsden, Alabama, and investigate said institution as to its needs of maintenance, buildings and equipments, and to make such recommendations to the Legislature as to its financial needs for the present together with its possible requirements in the future to the end that the institution will be placed upon a permanent, substantial and definite working basis. That the committee shall be paid a per diem and expenses in the same manner that other legislators and committees are paid.

Approved Feb. 18, 1927.

No. 83.)

(S. J. R. 26. Fite.)

SENATE JOINT RESOLUTION

To raise a committee to investigate and make a report upon the Girls' Industrial School of Alabama and other institutions of like kind and character.

BE IT RESOLVED BY THE SENATE, the House of Representatives concurring, that a joint Committee from the Senate and the House of Representatives of the Alabama Legislature is hereby authorized to consist of two members from the Senate to be appointed by the President of the Senate and three members from the House to be appointed by the Speaker of the House, which Committee shall sit at such time as they may deem proper either during the Legislative session or during recess of the Legislature.

SECOND. It shall be the duty of said Committee to investigate conditions at the Girls' Industrial School, located at Birmingham, and such other institutions of like kind and character and make a report to Legislature of Alabama of their findings and conclusions and recommend to the Legislature the enactment of such statutes as they may deem necessary for the control and maintenance of these institutions.

THIRD. If such Committee sit during recess of the Legislature they shall receive eight dollars per day and the necessary traveling and hotel expenses incurred.

Approved Feb. 18, 1927.

No. 84.)

(S. 81. Fite.

AN ACT.

Regulating the issuance of injunctions against municipalities of the State.

Be it Enacted by the Legislature of Alabama:

Section 1. No temporary restraining order or temporary injunction shall ever issue to any municipality of this State, its officers, agents or employees, enjoining or restraining the enforcement of any ordinance of such municipality, whether valid or invalid, or any proceedings thereunder, until a time and place have been set for the hearing of the application for such temporary restraining order or temporary injunction, and notice of such time and place, together with a copy of the bill, has been served upon the Mayor or other chief executive officer of such municipality at least twenty-four hours prior to the time set for such hearing.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved Feb. 18, 1927.

No. 85.)

(S. 108. Fite.

AN ACT.

To amend an Act approved September 29, 1923, entitled: "An Act to provide for and regulate further the Banking Department for the State of Alabama to the end of better regulating the examinations and supervisions of banks and banking in this State".

Be it Enacted by the Legislature of Alabama:

Section 1. That Section One of an Act entitled An Act to provide for and regulate further the Banking Department for the State of Alabama to the end of better regulating the examinations and supervisions of banks and banking in this State, (which said section appears in the Code of Alabama of 1923 as Section 6284), be amended so as to read as follows: Section 1. Examiners and Office Assistants; Stenographers; Appointment and compensation of. The Superintendent of Banks, with the approval of the Governor, may from time to time employ not exceeding six persons as examiners, one office assistant and one liquidating agent, and such number of stenographers as is needed to aid him in the discharge of the duties imposed upon him

by law. The examiners, office assistant, liquidating agent and stenographers employed by the Superintendent shall perform such duties as he shall assign them; and the Superintendent may in his discretion dispense with the services of any of his office force, including the examiners. The office assistant shall receive a salary of Three Hundred Fifty (\$350.00) Dollars per month; and liquidating agent shall receive a salary not exceeding Three Hundred (\$300.00) Dollars per month; and the examiners shall each be paid a salary not exceeding Two Hundred Fifty (\$250.00) Dollars per month; and each stenographer shall receive a salary not to exceed One Hundred Fifty (\$150.00) Dollars per month. Such salaries shall be paid monthly on the certificate of the Superintendent of Banks on warrants drawn by the State Auditor on the State Treasurer.

Approved Feb. 18, 1927.

No. 86)

(S. 109. Fite.

AN ACT

To amend Sections 6279, 6280, 6281 and 6300 of the Code of Alabama, relating to State banking laws.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6279 be amended so as to read as follows: Section 6279. There is created a Banking Board, consisting of the Superintendent of Banks, who shall be ex-officio a member of the Board, and four persons who shall be appointed by the Governor, by and with the consent of the Senate, and the Superintendent of Banks shall be chairman of this Board. The term of office of the four appointed members of the Board shall expire on the 1st day of February after the expiration of the term of office of the Governor making the appointment.

Section 2. That Section 6280 be amended so as to read as follows: Section 6280. Either of the four appointed members of the said Board may be removed from office by the Governor. If, by reason of death or removal from office, a vacancy shall occur in said Banking Board, the vacancy shall be filled by appointment of the Governor. The four appointed members of said Banking Board shall be men of good character and experienced in the banking business and connected with some state bank doing business as a bank under the laws of the State of Alabama, as an officer or director of such bank.

Section 3. That Section 6281 be amended so as to read as follows: Section 6281. No person appointed as a member of said Banking Board shall receive any compensation for his services except that each appointed member of said Banking Board shall receive Twenty-five (\$25.00) Dollars per day and traveling

expenses for each day said Banking Board is in session, but in no event to exceed One Hundred (\$100.00) Dollars for each member of said Board during any one month. The compensation going to the four appointed members of the Banking Board shall be paid as earned by the State Treasurer on warrants drawn by the State Auditor, in favor of each of them, which warrants are to be drawn on the certificate of the Superintendent of Banks, which certificate shall certify that a meeting of said Board was held, stating the time of meeting and stating the amount to which each member of the Board is entitled.

Section 4. That Section 6300 be amended so as to read as follows: Section 6300. If the Board of Directors of any bank by a vote of a majority of such Board request the Superintendent of Banks to take charge of and liquidate the affairs of the Bank, if the Bank has violated any of the provisions of this Article, then the Superintendent may take charge of and liquidate the affairs of the Bank as herein provided, without calling a meeting of said Banking Board. If for any reason only two appointed members of said Banking Board attend a meeting called by the Superintendent, the Superintendent and such two members may perform the duties of such Board.

Approved Feb. 18, 1927.

No. 87.)

(H. J. R. 19. Tunstall.

HOUSE JOINT RESOLUTION

"BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that House Joint Resolution No. 19 be amended so as to read as follows:

"There are hereby created the following Recess Committees or Commissions of the Legislature of Alabama, to-wit:

"1. Judiciary, to be composed of four members of the Senate, to be appointed by the President of the Senate, and eight members of the House, to be appointed by the Speaker of the House.

"2. Ways and Means, to be composed of seven members of the Senate, to be appointed by the President of the Senate and ten members of the House, to be appointed by the Speaker of the House.

"3. Education, to be composed of six members of the Senate, to be appointed by the President of the Senate and ten members of the House to be appointed by the Speaker of the House; sessions limited to twenty days.

"4. Agriculture, to be composed of six members of the Senate, to be appointed by the President of the Senate and ten members to be appointed by the Speaker of the House; sessions limited to twenty days.

"5. Resolved, further, That the president pro-tem of the Senate and the Speaker of the House shall be ex-officio members of the said several committees.

Resolved, further, That the members of the said several committees shall be paid on the certificate of the Chairman thereof, eight dollars per day and mileage, while actually engaged, except in cases of adjournment exceeding three days; and the said committees shall each have authority to employ, at reasonable compensation, clerks, stenographers or other assistants for such time as may be necessary for the expeditious discharge of the duties of the Committee; and the said committees shall have power to summon witnesses and call for books and papers; and do and perform such other acts as may be necessary to a full, complete and detailed investigation, study and report on the subjects herein referred to. If in the judgment of any committee it shall be necessary to travel away from the Capitol in making any investigation, then necessary travel expenses shall be paid in addition to the compensation above fixed.

Resolved, further, That the said committees shall make full reports and recommendations regarding their findings, together with bills which in their judgment are proper to bring about the ends sought by their recommendations.

Resolved, further, That the duties of said committees shall be as follows:

"1. Judiciary: To consider all questions concerning the judicial system of the State, organization of the courts, enforcement of criminal laws, procedure, and all matters affecting the administration of justice, and may sit and confer with a committee of the Alabama State Bar Association, who will not be paid by the State.

"2. Ways and Means. To consider all questions of finance and taxation and the raising of revenue for the State.

"3. Education: To consider the matter of public education in the State of Alabama and the system of laws regarding the same, and particularly, to study the School Code of Alabama.

"4. Agriculture: To consider all matters pertaining to the Agricultural welfare of the State of Alabama.

Resolved, further, That it is the duty of the said several committees to make their several investigations and prepare their reports at a conveniently early date, and in such time that their reports may be on file at the reconvening of the Legislature at its adjourned session.

Resolved, further, That the foregoing is not intended to include or prejudice the several and separate matters covered by and provided for in H. J. R. 25, S. J. R. 10, 25, 26 and 28 and S. B. 74.

Approved Feb. 18, 1927.

No. 88)

(S. 38. Holmes.

AN ACT

To provide for the revision, codification, and promulgation of the game and fish laws of this State, both Civil and Criminal, and to make an appropriation for the expense of same.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Chief Justice of the Supreme Court, the Governor of the State, and the Commissioner of Game and Fisheries, or a majority of them, be and they are hereby authorized, empowered and directed, to appoint and designate an attorney, whose duty it shall be to revise and codify all the statutes of the State of Alabama of a general and public nature, both civil and criminal relating to the Department of Game and Fisheries.

Section 2. Such attorney shall revise and reduce into a written and systematic code, all of the public statutes of this State, both civil and criminal, relating to the Department of Game and Fisheries, its purposes, powers and duties, or in any way, directly or indirectly, having to do with the conservation of the wild life of the State.

Section 3. It shall be the duty of said attorney not later than thirty days after the date of his appointment, to complete said revision and codification, and deliver same to the governor, who shall examine and report upon same to the 1927 regular session of the Legislature, recommending such alterations, omissions, and modifications, if any, as may to him seem proper. Said report to the Legislature shall be made not later than such date as will permit a reasonable time for careful consideration and final action upon same by both houses of the Legislature prior to the adjournment of the present regular session of same.

Section 4. There is hereby appropriated out of the game and fish protection fund, not exceeding three hundred (\$300.00) dollars, or such part of said amount as the above named committee may deem necessary, for the payment of such compensation as said committee may allow said attorney for said services, which said maximum amount shall include allowance for any necessary additional clerical assistance, and which sum shall be payable at such times and in such amounts as may be prescribed by the committee, composed of the Governor, Chief Justice of the Supreme Court, and Commissioner of Game and Fisheries, or a majority of them.

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

Approved Feb. 18, 1927.

No. 89.)

(H. 115 Ware.

AN ACT

To amend Section 952, Code of Alabama 1923.

Be it Enacted by the Legislature of Alabama:

That Section 952, Code of Alabama 1923 be and the same is hereby amended so as to read as follows: 952. Compensation. The Fire Marshal shall receive an annual salary of thirty-six hundred dollars, payable monthly out of the State Fire Marshal's fund as herein provided on certificate to the State Auditor who shall draw his warrant on the State Treasurer for such amount. And he shall devote his entire time to the duties of his office and he may be removed from office by the Governor at his pleasure.

Approved Feb. 18, 1927.

No. 90.)

(H. 47. Simpson.

AN ACT

To amend Sections 1545 and 1547 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1545 of the Code of Alabama of 1923 be amended so as to read as follows: 1545. Libraries established by counties.—The court of county commissioners, the board of revenue or other governing body of the counties of this State may establish and maintain or aid in establishing and maintaining free public libraries for the use of the citizens of their respective counties, either separately or in connection with free public libraries or subscription libraries already established therein, or in connection with the public schools, and to that end may accept gifts, donations, and bequests of lands, buildings, or money therefor, and may make appropriations from the county treasury in support thereof in such sums as they may deem proper, not to exceed five thousand dollars annually; except that counties of one hundred and fifty thousand inhabitants or more may appropriate annually a sum not to exceed twenty thousand dollars.

Section 2. That Section 1547 of the Code of Alabama of 1923 be amended so as to read as follows: 1547. Powers and duties of library board.—The library board so created shall have full power and authority to control the expenditures of all funds received or appropriated for such libraries; to erect or rent buildings to cost not in excess of the funds available to them; to purchase books and equipment, to provide a system of circulating or traveling libraries; to elect a librarian and other employees, and otherwise to have full authority and power to man-

age and control the said library in order to carry out the full intent and purpose of this article; and a careful and complete record and set of books shall be kept by the library board, showing the proceedings of their several meetings and the disbursement in detail of all funds expended by them. In counties where, in the city having the largest population, a free public library is already established and in operation, a separate county library board shall not be appointed, but the county libraries and the appropriations authorized shall be administered by the governing board of such free public library on such terms as may be agreed upon between the above named county authorities and the said governing board.

Approved Feb. 18, 1927.

No. 91.)

(H. 44. Frey.

AN ACT

To require Judges of Probate in the several counties of the State of Alabama to furnish the United States Veterans Bureau certified copies of all settlements by guardians of beneficiaries of said Bureau.

Be it Enacted by the Legislature of Alabama:

Section 1. That at the time of settlement, either partial or final, by a guardian of a beneficiary of the United States Veterans Bureau, it shall be the duty of the Judge of Probate in whose Court the settlement is had and passed to furnish to the United States Veterans Bureau a certified copy of the guardian's statement in settlement without cost to said United States Veterans Bureau.

Section 2. That for furnishing the certified copy of a guardian's statement in settlement provided in Section 1 to the United States Veterans Bureau, the Judge of Probate is authorized to collect from the guardian the fee now allowed by law for furnishing a copy of such statement in settlement by a guardian.

Approved Feb. 18, 1927.

No. 92.)

(H. J. R. 58. Rules Committee.

HOUSE JOINT RESOLUTION

RESOLVED by the House, the Senate concurring, That the Lieutenant Governor of Alabama, shall be ex-officio a member of the Judiciary Recess Committee and shall receive the same per diem and mileage as other members of said Committee while so serving.

Approved Feb. 18, 1927.

No. 93.)

(H. J. R. 59. Rules Committee.

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House, the Senate concurring, That the Speaker of the House and the President Pro Tem of the Senate, be ex-officio members of all Joint Recess Committees or Commissions created by an Act or Joint Resolution.

Approved Feb. 18, 1927.

No. 95.)

(S. J. R. 43. Rules Committee.

SENATE JOINT RESOLUTION

RESOLVED by the Senate, That there is hereby created a Recess Committee from the Senate to be known as Recess Committee on Public Roads and Highways to consist of 6 members to be appointed by the Presiding Officer of the Senate.

BE IT FURTHER RESOLVED by the Senate, the House concurring, That the Public Roads and Highways Recess Committee of the Senate is hereby directed and requested to sit with the Recess Committee of the House on Public Roads and Highways and that the Committee make a joint report of their findings and recommendations to the Legislature when it reconvenes in June, 1927. It shall be the duty of this Committee, in conjunction with the House Committee to investigate the price of gasoline sold in Alabama, and as compared with the price of gasoline in other states, and make report to the Legislature of its findings with recommendations.

Approved Feb. 18, 1927.

No. 96.)

(H. 117. Adcock.

AN ACT

To amend Section 3 and 6 of an Act entitled An Act "To further provide for and regulate the payment of pensions to Confederate soldiers and sailors and their widows and to make necessary appropriation therefor. Approved September 6, 1923." Designated as Section 2948 and Section 2973 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

I. That Section 3 of an Act to provide for and regulate the payment of pensions to Confederate soldiers and sailors and their widows and to amend so as to read as follows: Section 3. That beginning with April quarter, 1927, there shall be paid

quarterly to each pensioner in class A, the sum of \$90.00 for each quarter; to each pensioner of class One, the sum of \$45.00 for each quarter; to each pensioner of class Two, the sum of \$30.00 for each quarter; to each pensioner of class Three, the sum of \$22.50 for each quarter. That beginning with October quarter, 1927, there shall be paid quarterly to each pensioner in Class A the sum of \$100.00 for each quarter; to each pensioner in class One, the sum of \$55.00 for each quarter; to each pensioner of class Two, the sum of \$35.00 for each quarter; to each pensioner in class Three, the sum of \$25.00 per quarter. That beginning with the April quarter 1928, there shall be paid quarterly to each pensioner in class A the sum of \$110.00 for each quarter; to each pensioner in class One, \$65.00 for each quarter; to each pensioner of class Two \$40.00 for each quarter; to each pensioner of class Three, \$27.50 for each quarter. That beginning with the October quarter 1928 there shall be paid quarterly to each pensioner in class A the sum of \$120.00 for each quarter; to each pensioner of class One the sum of \$75.00 for each quarter; to each pensioner in class Two \$45.00 for each quarter; to each pensioner in class Three the sum of \$30.00 for each quarter. That beginning with the January quarter 1929 and thereafter there shall be paid quarterly to each pensioner in class A the sum of \$150.00 for each quarter and the pensioners in classes One, Two and Three shall continue to receive the same quarterly pensions as above provided. That soldiers and sailors who are entitled to benefits of this article who are now on the pension roll or who may hereafter be placed on the pension rolls of this State, shall constitute class A and shall receive the amounts provided under this Act. All widows of Confederate soldiers or sailors now on pension rolls or who may hereafter be placed on the pension rolls under the existing laws of this State, shall be divided into three classes, as follows: widows of the age of eighty years and over, or who are totally blind shall constitute class One, widows who are between seventy years of age and eighty years of age shall constitute class Two, widows under seventy years of age shall constitute class Three and they shall receive pensions according to their class, as provided under this Act. All of said pensions shall be paid quarterly on the first days of October, January, April and July of each year.

2. That Section 6 of an Act to provide for and regulate the amount of pensions to Confederate soldiers and sailors and their widows and to make necessary appropriations therefor. Approved September 6, 1923, be amended so as to read as follows: Section 6. There is hereby continuously appropriated from the general funds of the State a sufficient sum which, in conjunction with the moneys derived from the one mill pension fund, shall in total amount not exceed the sum of \$1,750,000.00 per

annum, or so much thereof as may be necessary to carry out the provisions of this Act, provided that if said amount is not sufficient, at any time, to pay the pension herein provided, any moneys to the credit of the pension fund may be used to supply any deficiency to pay said pensions in full.

3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved Feb. 18, 1927.

No. 99

(H. 185. Powell)

AN ACT

To fix the Ex-officio fees of the Sheriffs in counties in this State which now have or which may hereafter have a population of fifty thousand people, and less than fifty four thousand people according to the last Federal census or any such census which may hereafter be taken, and to regulate the payment of same.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Sheriffs in all Counties in this State which now have, or which may hereafter have a population of fifty thousand people and less than fifty four thousand people, according to the last Federal Census, or any such census which may hereafter be taken, shall be paid for impanelling grand juries, advertising and attending all elections in his county and for performing all other public services required of him, for which no compensation is allowed or provided for, as Ex Officio fees, such sums as may be just, to be allowed by the County Commissioners Court, or other governing body of such counties, upon presentation of a verified account showing the items of service rendered, to be paid out of the general funds of the several counties affected, in monthly installments, as other county officers are paid, not to exceed twenty-four hundred (\$2400.00) Dollars per annum; but any Sheriff whose annual income from fees of office exceeds five thousand dollars net, after all expenses have been paid by him, shall not be entitled to any Ex Officio allowances as herein provided.

Section 2. This Act shall take effect upon its approval by the Governor and all laws in conflict herewith are hereby repealed.

This Act became a Law under Section 125 of the Constitution of Alabama.

No. 105.)

(H. 162. Grove.)

AN ACT

To require all Tax Assessors, Tax Collectors, Judges of Probate, and Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensations, to file monthly itemized

statements, under oath, with the treasurer, or such other corresponding officer, in their respective counties, showing monies received and expended by said officers in their respective offices, and departments, in all counties of the State of Alabama, having a population of not less than ninety thousand and not exceeding three hundred thousand, according to the last, or any subsequent Federal census; and to provide penalties for failure to file such reports.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties of the State of Alabama having a population of not less than ninety thousand and not exceeding three hundred thousand, according to the last or any subsequent Federal census, all Tax Assessors, Tax Collectors, Judges of Probate and Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensations, shall, on the 15th day of each and every month, except when such day falls on Sunday or a legal holiday, then on the next succeeding business day, file with the Treasurer, or such other corresponding officer in their respective counties, itemized statements showing monies received and expended by the above named officers or their respective departments, during the preceding month, ending on the last day thereof, including in such statement the sum total of all fees received during each month as such officer, together with the source of such fees and including also an itemized statement of all expenses incurred by such officer, which said statements shall be made under oath, preserved by the person or officer with whom deposited, and shall be open for the inspection of the public, at any and all times during the office hours of said Treasurer, or such corresponding officer.

Section 2. Their failure to file any of the above described reports or statements shall constitute a misdemeanor, punishable by a fine of not more than One Hundred Dollars.

Section 3. This bill shall take effect immediately upon its passage by the Legislature and approval by the Governor.

Approved Feb. 21, 1927.

No. 106)

AN ACT

(H. 68. St. John

For the relief of E. Finke and to appropriate for said E. Finke the sum of One Hundred Dollars for money paid by him for the use of the State for a license for the year 1925-26 for the operation of a poolroom in Cullman, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That out of any funds of the State Treasury not otherwise appropriated, there is hereby appropriated the sum of one hundred dollars for the relief of E. Finke, money paid by him for the use of the State as a license for the year 1925-26 for

the operation of a poolroom in Cullman, Alabama, which said license was never used by him and no poolroom was operated by him during said period.

Section 2. That immediately after the passage of this Act and its approval by the Governor, the State Auditor shall issue his warrant upon the State Treasury in favor of the said E. Finke in the sum of one hundred dollars.

This Act became a law June 27, 1927, under Section 125 of the Constitution of Alabama 1901.

No. 107.)

(H. J. R. 29. Beebe.

HOUSE JOINT, CONCURRENT RESOLUTION

By W. C. Beebe, to make a survey of the oyster bearing waters in Baldwin County, Alabama, similar to what has been done in Mobile County, Alabama, in the Bay of Mobile supplementing and completing the work that has already been accomplished, as well as in Mississippi Sound.

WHEREAS, The oyster beds and barren bottoms in Mississippi Sound in Mobile County, Alabama, were surveyed by the Department of Commerce and Labor,—Bureau of Fisheries,—which said survey was made in summer of 1910, and was completed in May, 1911,—

AND WHEREAS, no survey was made at that time by the Department of Commerce and Labor,—Bureau of Fisheries,—of the natural oyster beds and barren bottoms, in Baldwin County, Alabama, in said waters,

THEREFORE, BE IT RESOLVED BY THE HOUSE, the Senate concurring, That the Department of Commerce and Labor,—Bureau of Fisheries,—are earnestly requested to complete the survey of the natural oyster beds and barren bottoms of the Alabama waters in Baldwin County in said state, in Mobile Bay,—

BE IT FURTHER RESOLVED, That the Governor of Alabama, and the Commissioner of Game and Fisheries in said State are hereby requested to have the Department of Commerce and Labor,—Bureau of Fisheries to complete said survey in Baldwin County, Alabama, for the State of Alabama,—said survey being of national, as well of State importance of increasing the supply and production of shell fish,—

BE IT FURTHER RESOLVED, That the Hon. I. T. Quinn, —Commissioner of Game and Fisheries, for the State of Alabama, is hereby authorized to go to Washington to present these resolutions to Bureau of Fisheries, in said Department, urging the completion of said survey,—

BE IT FURTHER RESOLVED, That copies of these resolutions shall be forwarded by the Hon. I. T. Quinn to Senators Oscar W. Underwood and J. T. Heflin, and Congressmen John McDuffie, and Lister Hill.

Approved Feb. 21, 1927.

No. 108.)

AN ACT

(H. 19. Darden.

To amend Section 8605 of the 1923 Code of Alabama.

Be it Enacted by the Legislature of Alabama:

I—That Section 8605 of the 1923 Code of Alabama be and the same is hereby amended to read as follows: Section 8605 (7245) (4986) (4301) (4734) (514) Persons Exempt from Jury Duty. The following persons are hereby exempt from jury duty, unless by their own consent: Judges of the several courts; attorneys at law during the time they practice their profession; officers of the United States; officers of the executive departments of the State Government; sheriffs and their deputies; clerks of the courts and county commissioners: regularly licensed and practicing physicians, dentists or pharmacists; teachers of public or private schools while actively engaged in their profession; officers and regularly licensed engineers of any boat plying the waters of this state; train dispatchers, railroad station agents, telegraph operators when actually engaged and in charge of any office; regularly licensed embalmers while actually engaged in their profession; and rural and city or town mail carriers while engaged in their work.

Approved Feb. 21, 1927.

No. 113)

AN ACT

(H. 69. St. John

To amend Sec. 3238 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That Sec. 3238 of the Code of Alabama of 1923 be and the same is amended so as to read as follows: "Sec. 3238. Appeal in habeas corpus cases. Any party aggrieved by the judgment on the trial of a habeas corpus may appeal to the Supreme Court or the Court of Appeals; and when, on habeas corpus, any person held in custody under a charge or conviction for crime, or for extradition as a fugitive from justice from another State, is discharged from such custody; or when any person held in custody under an indictment by the grand jury charging him with a capital offense is admitted to bail, the so-

licitor or other prosecuting officer or attorney may take an appeal in behalf of the State to the Supreme Court or Court of Appeals, and in all such cases the judgment must be suspended pending the appeal; but, except in capital cases, the party may give bail with sufficient sureties conditioned that he will appear before such court or officer as may be prescribed by the Judge, and abide the judgment rendered. No bill of exceptions or assignments of error shall be necessary or required, but the clerk of the court from which such appeal is taken shall, within thirty days from the date of such judgment, forward a transcript of the record and certificate of appeal to the Supreme Court or Court of Appeals, together with a statement of the evidence and the Judge's ruling thereon, all certified to be correct by the Judge or officer hearing the petition; but the Appellate Court shall consider the case on the record and the evidence as set forth, and if the judgment of the trial court is correct, the case shall be affirmed; if erroneous, the Appellate Court shall render such judgment as the trial court should have rendered. The case on appeal shall, when so certified, be docketed and submitted to and be considered and decided by the Appellate Court without delay."

Approved June 16, 1927.

No. 114)

(H. 87. Waddell

AN ACT

Recognizing, ratifying, and confirming the consolidation of the State Bar with The Alabama State Bar Association, under the name of "The Alabama State Bar Association" and under the Constitution and By-laws as adopted by said consolidated body, effected in pursuance of Section 20 of An Act of the Legislature of Alabama, approved August 9, 1923, entitled: "An Act to provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers." (Acts Alabama 1923, p. 100), as said Act was amended by An Act of the Legislature of Alabama, approved September 26, 1923, entitled: "An Act to amend Section 8 of An Act entitled: 'An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers,' approved August 9th, 1923." (Acts Alabama 1923, p. 587), which Section 20 is compiled and arranged as Section 6239 of the Code of Alabama of 1923. Whereas, Section 20 of An Act of the Legislature of Alabama, approved August 9, 1923, entitled: "An Act to provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers." (Acts Alabama 1923, p. 100), as said Act was amended by An Act of the Legislature of Alabama, approved September 26, 1923, entitled: "An Act to amend Section 8 of An Act entitled: 'An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers,' approved August 9th, 1923." (Acts Alabama 1923, p. 587), which Section 20 is compiled and arranged as Section 6239 of the Code of Alabama of 1923, provides as follows: "Section 20. Annual Meeting of Bar. There shall be an annual meeting of the lawyers of Alabama, open to all members of the Bar in good standing and who have paid the license fees herein provided for, to be held at such

place and time as the Board of Commissioners may designate for the discussion of the affairs and the administration of justice. At the first annual meeting such organization or such consolidation or association with the now existing Alabama State Bar Association may be had and such constitution and by-laws may be adopted as may then be determined upon which are not inconsistent with the terms of this Act. No fees of any kind other than the payment of the fees herein provided for shall be required as a condition to full membership in such State Bar, and all lawyers duly licensed to practice law and in good standing under the provisions of this Act shall ipso facto be and become members of the State Bar of Alabama.”;

And Whereas, in full pursuance of said Section 20 of said Act so amended, at the first annual meeting of the State Bar held after the approval of said Act, which meeting was held at Sheffield, Alabama, in joint session with The Alabama State Bar Association on May 1st and 2nd 1924, the State Bar and The Alabama State Bar Association consolidated under the name of “The Alabama State Bar Association,” which adoption of said name, however, being effective upon the approval thereof by the Legislature of Alabama, and under the Constitution of said consolidated body then adopted, same consisting of the terms of said Act as so amended creating the State Bar and the Constitution of The Alabama State Bar Association, so consolidating, in so far as its provisions were not inconsistent with the terms of said Act as so amended creating the State Bar, and under the By-laws of said consolidated body then adopted, same being the By-laws of The Alabama State Bar Association, so consolidating, in so far as they were not inconsistent with the terms of said Act as so amended creating the State Bar, Now, Therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That the consolidation under the name of “The Alabama State Bar Association” of the State Bar with The Alabama State Bar Association effected at a joint meeting of said consolidating bodies held at Sheffield, Alabama, on May 1st and 2nd 1924, in full pursuance of Section 20 of An Act of the Legislature of Alabama, approved August 9, 1923, entitled: “An Act to provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers.” (Acts Alabama 1923, p. 100), as said Act was amended by An Act of the Legislature of Alabama, approved September 26, 1923, entitled: “An Act to amend Section 8 of An Act entitled: ‘An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers,’ approved August 9th, 1923”. (Acts Alabama 1923, p. 587), which Section 20 is compiled and arranged as Section 6239 of the Code of Alabama of 1923, whereby the Constitution adopted by said consolidated body consists of the terms of said Act as so amended creating the State Bar and the Constitution of The Alabama State Bar Association, then so consolidating, in so far as its provisions are not inconsistent with the terms of said Act as so amended creating the State Bar, and whereby the By-laws adopted by said Consolidated body consist of the By-laws of

The Alabama State Bar Association then so consolidating, in so far as they are not inconsistent with the terms of said Act as so amended creating the State Bar, be and the same in all things so done is hereby recognized, ratified and confirmed.

Section 2. That if any Section, clause or provision of this Act shall be declared unconstitutional, same shall not be held to affect any other Section, clause or provision, but the same shall remain in full force and effect.

Section 3. That all laws and parts of laws, either general, local or special, in conflict with the provisions of this Act are hereby repealed.

Approved June 16, 1927.

No. 115)

(H. 93. Waddell

AN ACT

To amend Sections 2, 5 and 20 of An Act of the Legislature of Alabama, approved August 9, 1923, entitled: "An Act to provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers." (Acts Alabama 1923, p. 100) as said Act was amended by An Act of the Legislature of Alabama, approved September 26, 1923, entitled: "An Act to amend Section 8 of An Act entitled 'An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers,'" approved August 9th, 1923." (Acts Alabama 1923, p. 587), which Sections 2, 5 and 20 are each respectively compiled and arranged as Sections 6221, 6224 and 6239 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Sections 2, 5 and 20 of An Act of the Legislature of Alabama, approved August 9, 1923, entitled: "An Act to provide for the organization, regulation and government of the State Bar including admissions and disbarments of lawyers." (Acts Alabama 1923, p. 100), as said Act was amended by An Act of the Legislature of Alabama, approved September 26, 1923, entitled "An Act to amend Section 8 of An Act entitled 'An Act to provide for the organization, regulation and government of the State Bar Association, including admissions and disbarments of lawyers,' approved August 9th 1923". (Acts Alabama 1923, p. 587), which Sections 2, 5 and 20 are each respectively compiled and arranged as Sections 6221, 6224 and 6239 of the Code of Alabama of 1923, be and the same are hereby respectively amended so as to respectively read as follows:

Section 2. Selection of Commissioners. The Board of Commissioners shall be selected by the members of the State Bar, who shall vote by ballot. Each Judicial circuit of the State of Alabama shall be entitled to a commissioner on said Board of Commissioners, and no judicial circuit shall have more than one

Commissioner, provided, however that nothing contained in this Act shall prohibit the election of a President of the State Bar as hereinafter in this Act provided for at an annual meeting of the State Bar, who shall be a bona fide resident of any judicial circuit of this State, and who shall be ex-officio President of the Board of Commissioners in case he is not already a member of said Board. If hereafter additional judicial circuits are constituted, such additional circuits shall be entitled to a Commissioner on said Board. The ballots shall be deposited in person or by mail with the Secretary of the Board or such other officer as it may designate. There shall be an annual election held on the 2nd Tuesday of October of each year, and continuing for such time as may be provided by rules of said Board and as may be reasonably necessary to give those entitled to vote an opportunity to cast their ballot, for the purpose of selecting successors to the Commissioners whose terms expire and for the purpose of filling vacancies. The Board shall prescribe rules and regulations in regard thereto not in conflict with the provisions of this Act. The Board shall in accordance with its rules, give at least sixty days' notice of the time for holding the election each year. In the first election, and in all elections thereafter, the Commissioners for the respective judicial circuits shall be elected by the Members of the Bar of the respective circuits, voting by ballot in the annual election hereinabove provided for.

Section 5. Organization of the State Bar and its Board of Commissioners. On the Fourth Tuesday following the certification of their names the first Commissioners shall meet at the office of the Clerk of the Supreme Court of Alabama and organize by the selection of the following officers of the State Bar and its Board of Commissioners namely: a President, a first and second Vice-President and a Secretary. After the first meeting of the Alabama State Bar Association following the approval of this Act the Board of Commissioners shall not elect a President, but at each annual meeting of the State Bar, held as provided for in Section 20 of this Act, a President of the State Bar shall be elected by a majority vote by ballot of the members of the State Bar present and voting, who shall be a member of the State Bar in good standing. Said election must be had only upon a nomination made by a member of the State Bar from the floor in said official session of the State Bar. If the member so elected as President of the State Bar be not a member of the Board of Commissioners then he shall be ex-officio President and shall discharge the duties imposed in this Act on the President of the Board of Commissioners and be reimbursed for his expenses as are elected members of this Commission, provided, however, that he shall not vote as a member of said Board except in case of a

tie. If the member so elected as President of the State Bar be a member of the Board of Commissioners, then he shall be President of the Board of Commissioners and shall discharge the duties imposed in this Act on the President of the Board of Commissioners. The member so elected as President of the State Bar shall hold office for one year and until his successor is elected at such annual meeting of the State Bar, and he shall not be eligible to succeed himself as said President. Said President shall preside at all meetings of said Board of Commissioners and of the State Bar. In case of the death, absence or disability of said President his duties shall be discharged by the Vice-Presidents of the Board of Commissioners in their respective order until said President appears or his disability be removed or his successor be elected as herein provided for. The Commissioners shall be divided into three groups holding office for one, two and three years, respectively, and at the first meeting their terms shall be determined by lot. Their successors shall hold office for three years. The Board of Commissioners is authorized to appoint a Secretary, if it so desires, a person who is not a member of the Board of Commissioners. The Secretary shall be the only paid officer of the Board and shall be paid such salary as in its judgment it deems best, not exceeding the sum of three hundred dollars per month. At the same place and immediately following the adjournment of the Alabama Bar or Alabama State Bar Association the Board of Commissioners of the State Bar shall hold its regular annual meeting and elect its officers for the ensuing year.

Section 20. Annual meeting of the State Bar. There shall be an annual meeting of the lawyers of Alabama, open to all members of the State Bar in good standing and who have paid the license fees herein provided for, to be held at such place and time as the Board of Commissioners shall designate for the transaction of such business as authorized by this Act and for the consideration of the affairs and administration of justice. At each of said annual meetings a President of the State Bar shall be elected as provided for in Section 5 of this Act, who shall assume office at the end of said annual meeting, and such Committees shall be appointed or elected to serve the State Bar for such purposes as authorized by this Act and not inconsistent with any provisions of this Act. At the first annual meeting such organization or such consolidation or association with the now existing Alabama State Bar Association may be had and such constitution and by-laws may be adopted as may then be determined upon and which are not inconsistent with the terms of this Act. No fees of any kind other than the payment of the fees herein provided for shall be required as a condition to full membership in such State Bar, and all lawyers duly licensed to practice law and in good

standing under the provisions of this Act shall ipso facto be and become members of the State Bar of Alabama.

Approved June 16, 1927.

No. 116)

AN ACT

(H. 22. Miller of Sumter.

Amending Section 8777 of the Code of Alabama as approved
August 17th, 1923.

Section 1. *Be it Enacted by the Legislature of Alabama*, that Section 8777 of the Code of Alabama as approved August 17th, 1923 is and the same is hereby amended so as to read as follows: Any party may appeal from any judgment rendered against him before a Justice of the Peace or Court of like jurisdiction to the Circuit Court, or Court of like jurisdiction, upon complying with the provisions of this chapter at any time within five days after the rendition thereof, unless otherwise provided in this Code.

Section 2: Be it further enacted that all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved July 1, 1927.

No. 117.)

HOUSE JOINT RESOLUTION

(HJR 63. Simpson

BE IT RESOLVED BY THE HOUSE, the Senate Concurring, That Being Sensible of the great personal hardships endured and dangers encountered by the matchless pioneers of the air, Nungesser, Coli, Lindbergh, Chamberlain, Levine and keenly grieved by the turn of the wheel of fortune that brought death to two of the bravest, and equally thankful for the happy and glorious result which befell the efforts of the others.

BE IT RESOLVED that the State of Alabama extend to the French Republic and particularly to the comrades and families of Nungesser and Coli their profound sympathy and sorrow, and thankful appreciation for their immortal contribution to human progress and Further that to Lindbergh, Chamberlain and Levine grateful acknowledgment is made of the debt owed them by the American people in particular and the World at large, often, all too soon forgot, for their personal fortitude and courage, their demonstration of the strength, dependability and standing of American Aviation, their exemplification of true sportsmanship and the lustre shed on the name of our Country by their premier trans-Atlantic flights.

Approved June 16, 1927.

No. 118

(HJR 64—Rogers of Mobile)

HOUSE JOINT RESOLUTION

WHEREAS, an invitation has been extended by the people of Mobile to the Legislature of the State of Alabama to visit our Gulf City as the guests of its citizens, and inspect the magnificent Docks now being constructed by the State Docks Commission; and,

WHEREAS, our attention has been called to the fact that on Tuesday, June 14th, 1927, there will be a formal opening and dedication of the bridge connecting Mobile and Baldwin Counties which bridge has appropriately been named "The Cochrane Bridge" in honor of Mr. John T. Cochrane, the President of the Mobile Bay Bridge Company; and,

WHEREAS, the Committee of Mobile citizens having in charge the celebration in connection with the formal opening and dedication of the said bridge has extended a cordial invitation to this Legislature to select June 14th, 1927, as the day for their visit to Mobile to inspect the State Docks, so that the Legislature can also inspect the said bridge; and,

Whereas, it is recognized that this bridge is the culmination of long years of effort on the part of the people of Mobile, and that this bridge is of State-wide importance and benefit; and,

Whereas, the representatives of Mobile County have urged the Members of the Legislature of the State of Alabama to visit Mobile on June 14th, 1927, at the expense of the citizens of Mobile County: Now, Therefore,

BE IT RESOLVED BY THE HOUSE, the Senate concurring, that the cordial invitation extended to the Legislature of Alabama by the people of Mobile be, and the same hereby is, accepted, and that the Senate and House do, on June 14th, 1927, visit Mobile in a body for the purpose of inspecting the State Docks and for the purpose of attending the formal opening and dedication of "The Cochrane Bridge."

Approved June 16, 1927.

No. 119)

(H. 124. Sanderson)

AN ACT

To amend Sections 7167, 7168, 7171 and 7172 of Article 23, of the Code of Alabama of 1923:

Section 1: *Be it Enacted by the Legislature of Alabama* That Section 7167, 7168, 7171 and 7172 of Article 23 of the Code of Alabama of 1923 be amended so as to read as follows:

7167 (3613) (1302) (1694) (1991, 1994, 2000, 2001) (1521, 1524, 1529, 1530) (1257, 1258, 1259, 1260) Churches, conferences of churches, religious societies, educational, benevolent,

monument, burial and patriotic societies; societies for the purpose of nature study or scientific research, for establishing public parks or places of public recreation, for promoting knowledge, promoting arts, promoting sciences or for purposes of like kind. The members of any church, or conference of churches, or religious society, or educational society or benevolent, monument or burial society, patriotic society, or societies for the purpose of nature study or scientific research or society for establishing public parks, or places of public recreation, or societies for promoting knowledge, promoting arts, promoting sciences, or societies for purposes of like kind, or the owners of a grave yard, or the trustees of any of the foregoing churches, conferences, institutions, or societies, elected by the organization or organizations of the church, conferences, institution, association, or society, desiring to become incorporated, shall adopt a resolution signifying such intention and elect not less than three, nor more than twenty-four trustees.

7168. (3614) (1303) (1695) (1992) (1522) (1258)—Incorporation complete on trustees filing certificate.—Such trustees shall, within thirty days after their election, file in the office of the judge of probate of the county in which the corporation is to exercise its functions, or part of its functions, a certificate stating the corporate name selected, the names of the trustees, and the length of time for which they were elected; which certificate shall be subscribed by them, and recorded. The members of such society, their associates and successors are, from the filing of such certificate, incorporated by the name therein specified.

7171. (3617) (1306) (1698) (1997).—How mortgage executed. The trustees or a majority of them, or authorized agents of any church, conference of churches, societies or associations organized by special charter, or under the general laws of this State may borrow money to such an amount as may be authorized by a majority of the trustees or authorized agents, and may by mortgage or deed of trust convey all or any part of the property owned, real or personal or both, to secure the payment of any debt contracted by said trustees or authorized agents, but before such mortgage or deed of trust can be executed, the majority of the board of trustees or authorized agents, shall have first authorized the incurring of such debt and the execution of such mortgage, or deed of trust on all or part of the real or personal property, or both, of such church, conference of churches, society or association, which authorization must be made at a meeting of such board of trustees or authorized agents specifically called for the purpose. Any such church, conference of churches, society or association may grant authority to its board of trustees or authorized agents the power to convey by mortgage or deed of trust any or all of its property, real or personal, it may then own or may thereafter acquire, for the purpose of securing any debt con-

tracted by said board of trustees. A certified copy of the minutes of such church, conference of churches, society or association, or of the board of trustees or authorized agents, shall be prima facie evidence of the authority of said board of trustees or authorized agents.

7172. How property conveyed—The trustees or other authorized agents of any church, conference of churches, society or association, or other corporation organized under Section 7167 of this Article, may sell and convey all or such part of the property thereof, real or personal, as they may be authorized to do by resolution of the church, conference of churches society or association, or other corporation assembled at a regular meeting or special meeting, and if a special meeting, notice of the time, place and object of such meeting must be given at least ten days prior to said special meeting by posting notice at the place of said special meeting.

This Act became a Law under Section 125 of the Constitution of Alabama.

No. 121)

AN ACT

(H. 255. Hawkins)

To exempt from taxation lands in the purchase of which a municipality has invested money pursuant to the terms of a lease sale contract or option agreement.

Be it Enacted by the Legislature of Alabama:

That lands in the purchase of which any municipality of the State has invested money pursuant to the terms of a lease sale contract or option agreement shall, during the life of such lease sale contract or option agreement, be exempt from ad valorem taxation so long as said lands are being used by such municipalities for park, municipal, or other public purpose, or where the same are contracted for and in the possession of such municipalities with the bona fide intention of being so used. Provided, However, that this act shall only apply to cities having more than (100,000) population, according to the last or any subsequent Federal census.

Approved June 27, 1927.

No. 124)

AN ACT

(H. 285. Goodwyn.)

To amend Sections 88 and 89 of Chapter 9 of the Code.

Be it Enacted by the Legislature of Alabama that Sections 88 and 89 in chapter 9 of the Code of Alabama be and the same are hereby amended so as to read as follows:

88. Building commission created: A building commission is created, to consist of the governor, chief justice of the supreme court, attorney-general, state auditor, and secretary of state, and two other citizens of Alabama to be selected by the above other members of the commission immediately after the passage of this act and every four years thereafter. The director of the department of archives and history, shall be secretary of said commission.

89. Meeting and powers of commission: The said commission shall convene only upon the call of the governor. The said commission has full power and authority, for and in behalf of the State of Alabama, to contract for the extension, enlargement or improvement of the present capitol building and grounds and the governor's mansion and it shall also have full power and authority to provide for the improvement of blocks of property now owned or hereafter acquired by the State adjacent to the block upon which the capitol is now situated by making a harmonious unit of the ground and tearing down the old buildings thereon and the construction thereon of appropriate administrative and judicial buildings and generally to take such steps as may be necessary in accomplishing this purpose. They shall, when they see fit, make recommendations to the Legislature upon matters within the scope of this chapter. A part of the appropriation hereinafter made shall be used for the express purpose of providing for the supreme court and appellate court of the State of Alabama, the executive department, and the secretary of State; and a part of the appropriation hereinafter made shall also be used in refurnishing the halls of the senate and the house of representatives, and for fitting up suitable legislative committee rooms, and for the relief of the general congested condition of other departments of the state government. The said building commission may adopt all necessary rules, and regulations and plans for its own guidance and for the proper conduct of the duties herein imposed. It shall keep a regular journal of its proceedings and shall make recommendations and a detailed report of its entire work and operations, to each regular session of the legislature. The members of the said commission are to serve without compensation.

Approved June 28, 1927.

No. 125)

SENATE JOINT RESOLUTION (SJR 50 Craft

WHEREAS, The loss of life, and especially the loss of property, reaching the enormous figure of more than One Billion Dollars; causing human suffering which has been more wide-spread than any catastrophe which has ever been inflicted upon the

people, short of war, or a nation-wide epidemic in reducing multiplied thousands of our fellow citizens to the direst straits for a bare subsistence, and even this, they would be denied, but for the magnificent service of the Red-Cross Association, and Governmental Agencies.

AND WHEREAS, It will be absolutely essential that this help shall be continued for many months to come, to keep the many sufferers from absolute want,

AND WHEREAS, The floods on the Mississippi River and other streams is the source from which this terrible disaster arises, which in addition to other evils has covered vast areas of the earth's surface, preventing cultivation of the soil for some time to come.

AND WHEREAS, What are "alluvial lands", that is, lands very fertile and productive, more so than the surrounding lands, and because it is more subject to overflow, being so much less valuable for that reason—but in reality, the best land.

AND WHEREAS, The remedying of this wide-spread loss and waste, call most loudly for immediate and careful consideration, and attention.

AND WHEREAS, There is now a surplus in the National Treasury of some \$600,000,000.00 to \$800,000,000.00, all of which, or such portion of which as may be necessary could not be put to a better use, with larger and more justifying returns from its expenditure than the controlling of these flood waters, which are becoming alarmingly frequent and portentously threatening, Therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, That we deeply sympathize with our fellow-citizens in the flooded areas, upon whom all this great suffering has come.

BE IT FURTHER RESOLVED, That we most earnestly petition, and call upon Congress to take all steps that may be necessary, in the full exercise of its powers, toward the speedy remedying of the untoward conditions now so prevalent in the flooded areas.

BE IT FURTHER RESOLVED, That the Governor is requested to transmit copies of this resolution to the President of the United States, with the earnest request that he call Congress together in Extraordinary Session to consider ways and means of bringing about the speediest relief possible.

Approved June 27, 1927.

No. 126)

AN ACT

(S. 126. Warren

To further provide for the payment of pensions to widows of Confederate Soldiers and Sailors.

Be it Enacted by the Legislature of Alabama:

Section 1. That any widow of a soldier or sailor, which widow has heretofore been entitled to draw a pension under the laws of Alabama, who has remarried after the death of such soldier or sailor, as the widow of whom she was so entitled to draw said pension, and who has again become a widow, shall be entitled, and may draw, a Confederate pension as widows of Confederate Soldiers and Sailors now are entitled to draw. Provided her last husband was a Confederate soldier or sailor.

Approved June 27, 1927.

No. 128)

(H. 388. Ware.

AN ACT

To Appropriate The Sum of Twenty-Five Thousand Dollars (\$25,000.00) Out Of The General Fund In The State Treasury, Not Otherwise Appropriated, For The Relief Of The State Child Welfare Department.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the general fund in the State Treasury, not otherwise appropriated, the sum of Twenty-five Thousand Dollars (\$25,000.00) for the relief of the State Child Welfare Department.

Section 2. That the sum so appropriated hereby is in addition to the Annual Appropriation made to the State Child Welfare Department for the fiscal year ending September 30, 1927, and said sum shall be available upon the passage and approval of this Act.

Section 3. That said sum so herein appropriated shall be paid out for the same purposes and in the same manner as now provided by law for the payment of funds appropriated to the State Child Welfare Department.

Section 4. That all laws and parts of laws in conflict with the provision of this Act be and the same are hereby repealed.

Approved June 24, 1927.

No. 129)

(HJR 70. Reeder

HOUSE JOINT RESOLUTION

WHEREAS, The Members of the Legislature of Alabama were royally entertained by the City of Mobile on their recent visit to that City, and,

WHEREAS, Her citizens did all in their power to add to our pleasure and entertainment, Therefore,

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING that we, the Members of the Legislature desire to express our heartfelt thanks and deep appreciation,

First, to Senator Craft and Representatives Grove, Vickers and Rogers, and

Second, To the Chamber of Commerce and the Civic Clubs of Mobile, and

Third, to the Citizens of Mobile for their untiring efforts to make our visit enjoyable as well as profitable.

Approved June 27, 1927.

No. 130)

AN ACT

(H. 84. Rogers of Mobile.

To provide for the punishment for any voter who votes, or attempts to vote more than once in a Primary Election.

Be it Enacted by the Legislature of Alabama:

That any voter who shall vote more than once, or attempt to vote more than once, in any Primary Election held in this State, shall, on conviction be punished in the same manner as provided for voting or attempting to vote more than once in a General Election.

Approved July 1, 1927.

No. 131)

AN ACT

(H. 107. Edmundson.

To Amend Section 6855 of the Code of Alabama 1923.

Be it Enacted by the Legislature of Alabama that section 6855 of the Code of Alabama, 1923 be amended so as to read as follows:

6855. Books Kept for Recording, Mode of Recording.—Judges of Probate are to procure at the expense of their counties, large and well-bound books, in which must be recorded in a fair hand, or by printing the same, or by the use of a typewriter, or other writing or printing, photograph or photostat machine, word for word, conveyances of property and all other instruments authorized to be recorded, with the acknowledgments, proofs, schedules, plats, surveys, etc., belonging thereto; and at the foot, or in the margin of the record of each conveyance or other instrument, the day of the month and year of the delivery of the same for record must be specified. The judge making the record of any conveyance or other instrument must certify on the same when it was received and recorded, and in what book and page the same is recorded, and must deliver it to the party entitled thereto, or his order, on the payment of the fees of registration; but the judge of probate may refuse to indorse "filed" on any conveyance or other instrument, or to record

the same, until such fees of registration are paid, and unless the conveyance or other instrument is witnessed, probated, or acknowledged as required by this Code.

Approved July 1, 1927.

No. 132)

AN ACT

(H. 176. Waddell.

To safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalis, and other substances in the State of Alabama, to be known as the Caustic Alkali or Acid Act. And prescribe a punishment for the violation thereof."

Be it Enacted by the Legislature of the State of Alabama, first:—

Section 1. Definition: A. The term "dangerous caustic or corrosive substance" means each and all of the acids, alkalis, and substances named below: (a) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid (HCl) in a concentration of ten per centum or more; (b) Sulphuric acid and any preparation containing free or chemically unneutralized sulphuric acid (H_2SO_4) in a concentration of ten per centum or more; (c) Nitric acid or any preparation containing free or chemically unneutralized nitric acid (HNO_3) in a concentration of five per centum or more; (d) Carboic acid ($\text{C}_6\text{H}_5\text{OH}$), otherwise known as phenol, and any preparation containing carboic acid in a concentration of five per centum or more; (e) Oxalic acid and any preparation containing free or chemically unneutralized oxalic acid ($\text{H}_2\text{C}_2\text{O}_4$) in a concentration of ten per centum or more; (f) Any salt of oxalic acid and any preparation containing any such salt in a concentration of ten per centum or more; (g) Acetic acid or any preparation containing free or chemically unneutralized acetic acid ($\text{HC}_2\text{H}_3\text{O}_2$) in a concentration of twenty per centum or more; (h) Hypochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield ten per centum or more by weight of available chlorine, excluding calx chlorinata, bleaching powder, and Chloride of lime; (i) Potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide (KOH), including caustic potash and Vienna paste, in a concentration of ten per centum or more; (j) Sodium Hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide (NaOH), including caustic soda and lye, in a concentration of ten per centum or more; (k) Silver nitrate, sometimes known as luna caustic, and any preparation containing silver nitrate (AgNO_3) in a concentration of five per centum or more, and (l) Ammonia water and any preparation yielding free or chemically uncombined am-

monia (NH₃), including ammonium hydroxide and "hartshorn," in a concentration of five per centum or more. B. The term "misbranded parcel, package, or container" means a retail parcel, package, or container of any dangerous caustic or corrosive substance for household use, not bearing a conspicuous, easily legible label or sticker, containing (a) the name of the article; (b) the name and place of business of the manufacturer, packer, seller, or distributor; (c) the word "Poison," running parallel with the main body of reading matter on said label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed gothic capital letters, the letters to be not less than 24 point size, unless there is on said label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker, and (d) directions for treatment in case of accidental personal injury by the dangerous caustic or corrosive substance.

Section 2. No person shall sell, barter, or exchange, or receive, hold, pack, display, or offer for sale, barter, or exchange, in the State of Alabama, any dangerous caustic or corrosive substance in a misbranded parcel, package, or container, said parcel, package, or container being designed for household use. Provided, that household products for cleaning and washing purposes, subject to this Act and labeled in accordance therewith, may be sold, offered for sale, held for sale and distributed in this State by any dealer, wholesale or retail.

Section 3. Any dangerous caustic or corrosive substance in a misbranded parcel, package, or container suitable for household use, that is being sold, bartered, or exchanged, or held, displayed, or offered for sale, barter, or exchange, shall be confiscated and disposed of as provided for under the Pure Food and Drug Act of the State of Alabama.

Section 4. Any person violating the provisions of this act shall upon conviction thereof be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

Section 5. The Commissioner of Agriculture shall enforce the provisions of this act as in the case of other provisions of the Pure Food and Drug Act, as is hereby authorized and empowered to approve and register such brands and labels intended for use under the provisions of this act as may be submitted to him for that purpose and as may in his judgment conform to the requirements of this statute; provided, however, that in any prosecution under this act the fact that any brand or label involved in said prosecution has not been submitted to said Commissioner of Agriculture for approval, or if submitted, has not been approved by him, shall be immaterial.

Section 6. This Act shall take effect six months after the date of its enactment.

Section 7. That all laws or parts of laws in conflict with this act are hereby repealed.

Approved July 1, 1927.

No. 133.)

(H. 307. Jordan of Etowah.

AN ACT

To repeal an Act entitled an Act "To provide for the selection of delegates to any national party convention whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for election as President of the United States." Approved September 13, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That an Act entitled An Act, "To provide for the selection of delegates to any National Party Convention whenever a citizen of the State of Alabama is a candidate for the nomination by any political party as its candidate for election as President of the United States" Approved September 13, 1923, be and the same is hereby repealed.

Approved July 1, 1927.

No. 134.)

(H. 364. Frey.

AN ACT

Allowing boxing, sparring and wrestling matches and exhibitions under the regulation and supervision of the Alabama Athletic Commission herein established, and relating to the powers, duties, compensation and authority of said commission, and prescribing penalties for the violation of the provisions of this Act, or rules of said commission.

Be it Enacted by the Legislature of Alabama:

Section 1. That boxing, sparring and wrestling matches and exhibitions, for purses, where an admission fee is charged, are hereby allowed, except on Sundays, provided however, that all such boxing, sparring and wrestling matches and exhibitions authorized herein, shall be held under the supervision of and subject to the rules and regulations of the Alabama Athletic Commission hereinafter created and in strict compliance with the provisions of this Act, and provided further, that no boxing or sparring match or exhibition shall exceed ten rounds of three minutes each, and no decision shall be allowed or given at any boxing or sparring match or exhibition held in this State.

Section 2. That an Athletic Commission is hereby created, which shall be known as the Alabama Athletic Commission, and which, for the purpose of brevity, is hereinafter referred to in

this Act as the Commission. The Commission shall consist of three men, each of whom shall be a qualified voter and at least thirty-five years of age. The members of the Commission shall consist of a Chairman of the Commission and Two Associate Commissioners, each of whom shall be appointed by the Governor. The Chairman shall be appointed for a term of six years, and one Associate Commissioner for four years, and one Associate Commissioner for two years, and thereafter their respective successors shall be appointed for a term of six years. They shall take the same oath of office and may be impeached and shall be commissioned as other State officers, but they shall not be required to reside in Montgomery County, Alabama.

Section 3. The Commission shall adopt a seal and shall have and hereby is vested with the sole direction, management, control and jurisdiction over all boxing, sparring and wrestling matches or exhibitions to be conducted, held or given within the State of Alabama, and no such boxing, sparring or wrestling match or exhibition shall be conducted, held or given within the state except in accordance with the provisions of this act. The Commission shall have full power and authority and it shall be its duty: (a) to make and publish boxing rules and regulations governing in every particular the conduct of boxing, sparring and wrestling matches and exhibitions, the time and place thereof, and the prices charged for admission thereto; (b) to accept application for and in its discretion, order a license or permit issued to any patriotic organization chartered by authority of a special act of the Congress of the United States, or local unit thereof, and none other, desiring to promote or conduct a boxing, sparring or wrestling match or exhibition, and to revoke such license or permit at pleasure; provided however, that no license or permit shall be issued to any organization, or local unit thereof, which has not been in existence and held meetings at regular intervals for one year immediately preceding the granting of the permit; (c) to collect through the Recorder of Permits and Licenses a fee of Twenty-five (\$25.00) Dollars for every permit or license to hold a boxing, sparring or wrestling match or exhibition, and ten per cent. of the gross receipts of every boxing, sparring or wrestling match or exhibition, and a reasonable fee, to be fixed by the Commission, but not to exceed Twenty-five (\$25.00) Dollars for each annual license or permit issued to a boxer, wrestler, referee, judge, match-maker, ticket seller, promoter, manager, announcer, trainer, second, medical examiner, ticket taker, director, or time keeper; (d) to revoke any license or permit when, in its judgment, the public welfare requires it.

Section 4. Each member of the Commission shall serve as such without a salary, but shall be paid his actual traveling expenses while engaged in the performance of his official duties.

out of funds collected by the Recorder of Licenses and Permits, and on order and approval of the Commission. The Chairman of the Commission shall be ex-officio the Recorder of Permits and Licenses and for his services as such shall receive one-third of all monies collected.

Section 5. The Commission may appoint and remove at pleasure, such number of Inspectors of Athletics as in its judgment is necessary to aid in the proper discharge of its duties. No compensation shall be paid an Inspector, but he shall be paid his actual traveling expenses when ordered to attend a match or exhibition, in the same way and manner as expenses of members of the Commission are paid. It shall be the duty of the Commission, either by one of its members or by a duly appointed Inspector, to attend every boxing, wrestling or sparring match or exhibition held in the State of Alabama. The Commission may appoint and remove at pleasure, a Secretary to the Commission, who shall perform such duties as the Commission may prescribe, and who shall keep a full, complete and up-to-date record of all the proceedings of said Commission, including all licenses and permits issued by the Recorder of Permits and Licenses, and all sums collected, and make a report thereof to the State Auditor annually, on or before the 15th day of January in each year.

Section 6. The Commission shall maintain a general office for the transaction of its business at a place to be designated by the Chairman. It may fix the salary of its Secretary at a sum not exceeding One Hundred (\$100.00) Dollars per month, which shall be paid by the Recorder of Permits and Licenses on order and approval of the Commission, out of any funds on hand, for which the Recorder of Permits and Licenses is accountable to the State of Alabama.

Section 7. The Recorder of Permits and Licenses shall give a bond in the sum of Five Thousand (\$5,000.00) Dollars with a surety company authorized to do business in Alabama, payable to the State of Alabama, conditioned that he will faithfully account for and pay over to the State Treasurer all monies collected by him, less any disbursements or deductions authorized by law, and it shall be his duty to make a report of and pay into the State Treasury on or before the 15th day of January and July, in each year, all monies received, after first paying all salaries, accounts and other expenditures authorized by law and approved by the Commission.

Section 8. All contracts relating to the holding or staging of any boxing, wrestling or sparring match or exhibition in Alabama, or relating to any participation therein, shall contain a provision to the effect that all rules passed or adopted by the Commission, either before or after the execution of the contract,

shall be considered as a part of the contract, the same as if said rules were fully set out in the body of the instrument.

Section 9. Any person who shall voluntarily engage in a pugilistic encounter between man and man, or wrestling match or exhibition, for money or any other thing of value, or upon the result of which any money or other thing of value is bet or wagered, or to see which an admission fee is charged, either directly or indirectly, or any person who shall be concerned directly or indirectly in the promotion of any boxing, wrestling or sparring match or exhibition, or any person who shall voluntarily box or wrestle, or voluntarily attempt to box or wrestle, for money or any other thing of value, or in a public place or in a place where an admission fee is charged, either directly or indirectly, or any person who acts or attempts to act as referee, judge, match maker, promoter, manager, trainer, announcer, director, second, medical examiner, ticket seller, ticket taker, or time keeper, in connection with any boxing, wrestling or sparring match or exhibition in this State without first having obtained a license or permit from the Alabama Athletic Commission so to do, must, on conviction, be imprisoned in the penitentiary for not less than two nor more than five years.

Section 10. Any person who shall wilfully violate any rule or regulation passed or adopted by the Alabama Athletic Commission, relating to boxing, sparring or wrestling, must on conviction, be imprisoned in the penitentiary for not less than two or more than five years.

Section 11. All licenses and permits issued by the Commission shall be on a form prescribed by the Commission, which shall be furnished to the Commission on its order at the expense of the State. All stamps, books and other incidentals used by the Commission shall be paid for on order of the Commission, by Recorder of Permits and Licenses, out of funds on hand, for which he is accountable to the State Treasurer.

Section 12. This Act shall take effect upon its approval by the Governor, and if any paragraph or provision thereof is declared unconstitutional by any court, such holding shall not affect any other paragraph or provision thereof not in itself unconstitutional.

Approved July 1, 1927.

No. 136.)

AN ACT

(H. 138. Simpson

To create a State Service Commissioner, and to fix the duties and compensation of such Commissioner, and to make an appropriation to carry out the purpose of this Act.

Section 1: *Be it Enacted by the Legislature of Alabama*, that there is hereby created the office of State Service Commissioner.

Section 2: The State Service Commissioner shall be appointed by the Governor of Alabama, and shall hold office at the discretion of the Governor of Alabama, provided that such Commissioner shall be appointed from among three ex-service men who were in the military or naval service of the United States during the period between April 6, 1917 and November 11, 1918, and have been honorably discharged therefrom, whose names shall be selected and submitted to the Governor by the Department Executive Committee of the American Legion, Department of Alabama, and all subsequent appointees to such office shall be selected in like manner and possess like qualifications.

Section 3: The duties of the State Service Commissioner shall be to aid all residents of the State of Alabama who served in the military or naval forces of the United States during any war in which the United States has been engaged, their relatives, beneficiaries and dependents, to receive from the United States any and all compensation, hospitalization, insurance, or other aid or benefit to which they may be entitled under existing laws of the United States, or such as may hereafter be enacted, and he shall perform such other duties in connection therewith as may be assigned by the Governor.

Section 4: The State Service Commissioner shall have a seal of office, and he shall be authorized to administer oaths to any person or persons who may desire to swear to the correctness of any statement or statements made in connection with any application for compensation, hospitalization, insurance or other aid or benefit to which such person or persons, or any other person or persons on whose behalf the affidavits are made, may be entitled under existing laws of the United States, or such as may hereinafter be enacted; and he shall likewise be authorized and empowered to certify to the correctness of any document or documents which may be submitted in connection with any such application or applications.

Section 5: The State Service Commissioner shall maintain an office in that City of the State of Alabama where the Regional Office of the United States Veterans' Bureau for the State of Alabama is located; and said State Service Commissioner shall reside in the City where said office is maintained during his term of office. In the event, however, that no Regional Office of the United States Veterans' Bureau is located in the State of Alabama, then the office of the State Service Commissioner shall be maintained at the capital city of the State.

Section 6. The compensation of the State Service Commissioner shall be thirty-six hundred (\$3,600.00) Dollars per annum, payable monthly at the rate of three hundred (\$300.00)

Dollars, on his own warrant drawn on the State Treasurer. The State Service Commissioner shall be furnished an office at the expense of the State, and shall also be allowed all necessary expenses for the conduct of his office, including clerk and stenographic assistance, and such as may be incurred from traveling within or without the State for the purpose of carrying out the provisions of this Act, such expenses to be paid by warrants approved by the Governor. Said State Service Commissioner shall, before entering upon the duties of his office, subscribe to and execute an oath of office and a bond in the penal sum of Five Thousand (\$5,000.00) Dollars, with sufficient surety to be approved by the Governor, conditioned on the faithful performance of his official duties.

Section 7: There is hereby appropriated out of the general fund of the State of Alabama the sum of Ten Thousand (\$10,000.00) Dollars per annum for the purpose of carrying out the provisions of this Act, provided that the expenses of the State Service Commissioner, including the salary and traveling expenses of said commissioner, and the salary of clerks and stenographers, and other persons employed by said commissioner, stationery, stamps and other incidental expenses that may be necessary or incidental to the conduct of the office of said State Service Commissioner, shall not exceed Ten Thousand (\$10,000.00) Dollars per annum. And the appropriation hereinabove made, less the actual expenses hereinabove defined, shall inure to the benefit of the general fund of the State of Alabama.

Section 8: If any section, clause, paragraph or provision of this Act shall be held unconstitutional, such holding shall not affect any part or all of the remainder of said Act which is not in itself unconstitutional.

Section 9: This bill shall go into effect immediately upon its passage and approval by the Governor.

Approved July 6, 1927.

No. 137)

AN ACT

(H. 340 Long.

To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, repairing and maintaining public roads, highways, and bridges as authorized by the Constitutional Amendment known as Article XXA of the Constitution of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby authorized to be issued and sold interest bearing negotiable State Bonds in an amount not to exceed the sum of Twenty-five Million (\$25,000,000.00) Dollars, for the purpose of securing funds to construct, improve, re-

pair and maintain public roads, highways, and bridges in the State of Alabama.

Section 2. Said Bonds when issued and sold shall be exempt from all State, County and municipal taxes.

Section 3. The Governor, the Alabama Highway Director, in Alabama, and the Attorney General are hereby constituted a Bond Commission with full authority to have executed, issued and to sell the bonds herein authorized. No member of the Bond Commission shall receive compensation in any form in the sale of these bonds. The Commission shall meet at the call of the Governor, who is hereby constituted its Chairman, and said Commission shall elect a Secretary of the Commission.

Section 4. Three shall constitute a quorum of the Bond Commission for the transaction of business and all proceedings had and done by said Bond Commission must be reduced to writing by the Secretary and recorded in a substantially bound book, and true copies of such proceedings shall be certified to the Treasurer, by the Chairman of said Commission, attested by the Secretary of the Commission.

Section 5. The Bonds hereby authorized shall be executed, sold and delivered on the behalf of the State of Alabama from time to time, and shall be in such denominations and numbers and series, and shall mature at such times, and bear such rate of interest, not exceeding six per cent. (6%) per annum, payable semi-annually, as may be deemed expedient by the Bond Commission; but such bonds shall not be sold for less than the par value thereof.

Section 6. Such bonds shall be signed by the Governor, the State Auditor, State Treasurer and shall have attached thereto attested by the Secretary of State the Great Seal of the State of Alabama. Coupons shall be numbered and signed by the State Treasurer; provided, however, that the facsimile copy of the Treasurer's signature upon the interest coupons upon said bonds may be lithographed in lieu of signing the same.

Section 7. That payment for said bonds shall be made to the State Treasurer and a record and registration of said bonds shall be kept by the State Treasurer. The funds derived from the sale of such bonds shall be credited to the Highway fund and shall be used exclusively for the construction, improvement, repair and maintenance of the public roads, highways and bridges in Alabama, as authorized by law.

Section 8. The bonds issued under this Act shall be a direct obligation of the State and the full faith and credit of the State is pledged to the prompt payment of the principal and interest thereon. The bonds provided for by this Act are issued under the authority of the amendment to the Constitution known as Article XXA and adopted at an election held on April 12, 1927,

authorizing the State to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama, and authorizing the issuance and sale of interest bearing negotiable State Bonds in an amount not to exceed the sum of Twenty-five Million (\$25,000,000.00) Dollars.

Section 9. Said Bonds are entitled to the full benefit of the sinking fund provided by said constitutional amendment.

Section 10. Said bonds shall be negotiable instruments issued in coupon form with the privilege of registration as to principal or as to principal and interest. The Bond Commission is authorized to prescribe regulations for registering the bonds and the charge not to exceed more than 50c (Fifty Cents) per thousand for each registration.

Section 11. Said bonds shall be made payable in gold coin of the United States of the present standard of weight and fineness, or its equivalent in the lawful currency of the United States.

Section 12. The principal and interest on said bonds shall be payable at the office of the State Treasurer, or at the place of business of the State fiscal Agent in the City of New York, at the option of the holder.

Section 13. This Act shall become operative immediately upon its passage and approval by the Governor; and all laws and parts of law in conflict herewith are hereby expressly repealed.

Approved July 1, 1927.

No. 138)

(HJR 76. By Goode.

HOUSE JOINT RESOLUTION

WHEREAS, the manuscript of the Code Commissioner as authorized by an Act approved February 18, 1927, has been prepared and filed with the Governor,

Be it Resolved by the House, the Senate Concurring:

First, that there is hereby created a joint committee from the Senate and the House of Representatives of the Legislature of Alabama, to be composed of the Lieutenant-Governor and two Senators and the Speaker of the House and three other Representatives, who are hereby authorized and required to read the manuscript of the Agricultural Code as prepared by Hon. Harwell G. Davis;

Second, that the committee shall revise, amend, and correct the manuscript so as to make it a harmonious body of law, as nearly perfect as possible, and in doing this, they shall keep cor-

rect minutes of their proceedings, to be signed by the Chairman of the committee, and returned with the manuscript, so that their amendments and corrections may be correctly incorporated in the published code;

Third, that the committee shall have authority to employ one clerk, who shall receive not exceeding Eight (\$8.00) Dollars a day.

Fourth, the chairman of the committee shall certify to the Auditor, the amount due the clerk of the committee, who must draw his warrant therefor on the State Treasurer.

Fifth, that any vacancy occurring in the Senate membership of the committee shall be filled by the President of the Senate, and any vacancy occurring in the House membership of the committee shall be filled by the Speaker of the House.

Approved July 5, 1927.

No. 139)

SJR 56. Craft

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, the House concurring, that:

WHEREAS the Senate has now pending before it Senate Bill No. 312, regulating and providing the method by and the manner in which any county of the class in said bill named may increase its indebtedness for the purposes therein stated, and issue bonds and levy and collect additional taxes; and

WHEREAS Said bill provides for calling elections to authorize the issuance of such bonds and the levying of such taxes, which would involve considerable waste of public money in the event the proposed act were held unconstitutional after its passage;

NOW, THEREFORE, BE IT RESOLVED that the Supreme Court of Alabama is hereby requested by the Legislature of Alabama to give the Legislature an advisory opinion with respect to the constitutionality of the said bill especially in the following particulars:

1. Are the provisions contained in Sections 3 and 21 of the bill, authorizing the governing body of such county to annually levy and collect an additional tax sufficient to pay principal and interest on the bonds, provided that the total amount of additional taxes levied in any one year under the authority of this act does not exceed, in the aggregate, one-half of one per centum of the assessed value of the property, violative of the amendment to the Constitution of Alabama found in the Acts of Alabama of 1923, page 594, or of any other provision of the Constitution?

2. Is it within the power of the Legislature to define "concrete", and is the definition of "concrete" in Section 6 of the bill violative of the provisions of the Amendment of 1923, above referred to or any other provision of the Constitution of Alabama?

3. Is the definition or characterization of "improvement" in Section 8 of the bill violative of any provision of the Constitution?

4. Is the provision in Section 11 of the bill authorizing the calling of an election to submit to the voters at one election the question of the issuance of bonds and the levying of tax, with respect to two or more improvements violative of any provision of the Constitution?

5. Is the provision of Section 11, providing that separate ballots shall be prepared in respect of each improvement or one ballot may be so arranged as to enable the voters to vote separately in respect of each proposed improvement (when two or more are proposed) violative of any provision of the Constitution?

6. Does the form of the official ballot described in Section 13 violate any provision of the Constitution? This form of ballot is adapted from the form approved by the Supreme Court in the case of Realty Investment Company vs State, 181 Alabama, 184, 61 So. 248.

7. Does the bill cover more than one subject?

8. Is the bill a local bill?

9. If the Supreme Court decides that this bill is a local bill, would a local bill applicable only to Mobile County, duly advertised, and containing in other respects the same provisions as contained in this act, be violative of Subdivisions 15 and 17 of Section 104 of the Constitution.

Approved July 9, 1927.

No. 141)

(S. 21. Fite.

AN ACT

To regulate the answer of garnishments in Justice Courts and Inferior Courts created in lieu of Justice Courts in all counties of the State of Alabama having a population of over 200,000 according to the last Federal Census.

Be it Enacted by the Legislature of Alabama that garnishments in Justice Courts and Inferior Courts in the Counties of the State of Alabama having a population of 200,000 or over according to the last Federal Census shall be answered as hereinafter provided:

Sec. 1. The answer of the garnishee must be verified under oath within and not more than, five days immediately before the return day of the writ of garnishment specified in the writ, and

such answer must be filed not earlier than within the five days immediately before the return day of the writ, and such answer must state the amount, if any, due to defendant at the time of the service of the writ and between the date of service and the date the answer is verified, regardless of whether such debt due or money earned is by existing contract or otherwise, and the said garnishee may if requested by the plaintiff, be examined orally in the presence of the court.

Sec. 2. That the garnishee shall be required to answer as to any debt owing the defendant at the time of the service of the writ and between the time of the service and the time of the verification of the answer of the garnishee as required in Section 1 of this act, or becoming due at any time between the service and the date of the verification of such answer, whether by contract existing at the time of the service, or entered into at any time between the date of the service and the date of the verification of the answer.

Sec. 3. That all laws or parts of laws, local general or special in conflict herewith be and the same are hereby repealed.

Approved July 13, 1927.

No. 143)

(S. 150. Justice

AN ACT

To amend Section 1063 of the Code "County Quarantine Officers; How Appointed, Salary, Etc."

Be it Enacted by the Legislature of Alabama:

Section 1063. There shall be in each county having no health officer a county quarantine officer who shall be a licensed physician, and who shall be appointed by the State Committee of Public Health on the recommendation of the County board of health whose tenure of office shall expire on the election of a county health officer, provided that in no event shall his term of office extend more than three years from the date of his appointment, and provided further that the State Committee of Public Health shall have power to remove a quarantine officer at any time in its judgment the public good requires such removal. The salary of the county quarantine officer shall be fixed at not exceeding twenty-five dollars per month by the court of county commissioners or other like board and shall be paid in monthly installments from the county treasury as in the case of other salaries paid by the county. The county quarantine officer shall, under the supervision and control of the state health officer and county board of health, perform all the duties in connection with

the isolation and quarantine of cases of infectious and contagious diseases that are required of county health officers in counties having county health officers.

Approved July 13, 1927.

No. 144.)

(S. 151. Williams.

AN ACT

To amend Section 10291 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 10291 of the Code of Alabama of 1923, be and the same is hereby amended so as to read as follows: "10291 Opinion of Supreme Court Protective: The opinion of the Justices of the Supreme Court or a majority of them shall be a protection to the officers and departments of the State, acting in accordance therewith, in the same manner and to the same extent as opinions of the Attorney General of the State, and in the event of a conflict between the opinions of the Attorney General and the opinion of the Justices of the Supreme Court rendered in accordance with Article 2 of Chapter 347 of the Code of Alabama of 1923, the opinion of the Justices of the Supreme Court shall take precedence and prevail. All opinions of the Justices of the Supreme Court heretofore rendered in accordance with Art. 2 of Chapter 347 shall have the protective force and effect provided for herein.

Approved July 9, 1927.

No. 145)

(H. 36. Jeter

AN ACT

To amend Section I of an Act entitled "An Act, to provide for the election of a Solicitor for each Judicial Circuit in the State and to fix his compensation and to authorize the appointment or election of Deputy Solicitors and Assistant Solicitors, prescribe their duties and authority and fix their compensations", approved September 25, 1915.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section I of an Act entitled "An Act to provide for the election of a solicitor for each judicial circuit in the State; to fix his compensation; authorize the appointment or election of deputy solicitors and assistant solicitors; prescribe their duties and authority; fix their compensation" approved September 25, 1915, be amended so as to read as follows: "Section I. That at the general election to be held on the first Tuesday after the first Monday in November, 1916, there shall be elected in every judicial circuit in which there is no circuit solicitor residing a solicitor for that circuit who shall hold his office

until the first Monday after the second Tuesday in January 1919 and until his successor is elected and qualified, provided that if in any circuit composed of only one county there is no circuit solicitor residing at the time of the passage of this act, but there is a county solicitor or solicitor of a city court or law and equity court who was elected at the general election in November 1914, he shall be and become the Circuit Solicitor of said Circuit on and after the first Monday after the second Tuesday in January 1917 and shall hold office until the first Monday after the second Tuesday in January 1919. In all circuits composed of only one county and in which there are more than three judges and in which the circuit court is held at the county site and at some other place in the county and the cases arising in a designated portion of the county are tried at a place other than the county site and the cases arising in the remaining portion of the county are tried at the county site, there shall also be elected by the qualified electors of that portion of the county wherein the cases arise that are tried at the place of holding the circuit court other than at the county site a deputy solicitor of such circuit who shall at the time of said election and during his term of office reside in the territory from which he is elected and who shall hold office for the same term as the solicitors whose elections are provided for in this section, and who shall in the absence of the circuit solicitor discharge the same duties and exercise the same authority within the territory in which he is elected as if he were solicitor; and he shall receive a salary of Five Thousand (\$5000.00) Dollars per annum, twenty-four hundred (\$2400.00) Dollars of which shall be payable out of the State Treasury as the salaries of solicitors are paid, and Twenty-six hundred (\$2600.00) Dollars to be paid out of the County Treasury in equal monthly installments as other county officers are paid. And such deputy solicitor shall be under the supervision of the circuit solicitor of such circuit and who may, when not engaged in the discharge of official duty in the territory from which they are elected or appointed perform the duties and exercise the authority of deputy or assistant deputy solicitor in the circuit court held at the county site, and such deputy solicitor may appoint one assistant who shall hold office at the will and pleasure of such deputy solicitor and who shall at the time of his appointment and during the term of his office be a resident and reside in the territory from which said deputy solicitor is elected, and he shall receive as compensation Thirty-six hundred (\$3600.00) Dollars per annum, twelve hundred (\$1200.00) Dollars of which shall be payable out of the State Treasury as the salaries of solicitors are paid, and twenty-four hundred (\$2400.00) Dollars to be paid out of the County Treasury in equal monthly installments as other county officers are paid, and such assistant deputy solicitor shall be

under the general supervision of the deputy solicitor so appointing him.

Section 2. This act shall take effect upon its approval, the public welfare requiring it.

Approved July 8, 1927.

No. 146.)

AN ACT

(H. 75. Darden

To provide for the restoration to the pension rolls of the State of the names of Confederate Soldiers and Sailors, or the widows of such persons, where such names have been dropped from said rolls since January 1st 1922 on account of absence from the State for more than a year, where such Soldier or Sailor or widow of such person is a bona fide resident citizen of this State at the time of making application for restoration.

Be it Enacted by the Legislature of Alabama:

1. That the names of Confederate soldiers or sailors, or their widows, which have been dropped from the pension rolls of this State on account of absence from the State for a year or more, shall be restored by the Pension Commission of the State in their proper class on the pension rolls of this State by complying with the provisions of this act.

2. That any Confederate Soldier or Sailor or the widow of such person whose name has been dropped from the pension rolls of this State since January 1st 1922 and as specified in section one of this Act and who is a bona fide resident citizen of this State at time of making application for restoration of his or her name to the pension rolls of the State may have his or her name restored to the pension rolls of this State by making application before the Probate Judge of the County of his or her residence setting forth in said application the name of the County in which such person was residing at the time the name of such person was stricken from the pension rolls, and the name of the places, Counties and States, where such person has resided since his name was dropped from the pension roll of Alabama, such application to be supported by affidavit of the applicant and proof of two witnesses as to bona fide residence in this State. Such application shall be forwarded by the Probate Judge to the Alabama Pension Commission and if on investigation by said Commission the facts set forth in said application are found to be true and correct said Commission shall order the name of such person restored to the pension rolls of the State to be placed in the class to which such person may under the law belong.

3. This act shall go into effect upon its approval.

4. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved July 9, 1927.

No. 154)

(HJR 85. Cockrell.)

HOUSE JOINT RESOLUTION

WHEREAS, We notice in the Press an account of a splendid and magnanimous gift of printing presses and equipment valued at \$10,000.00 by Mr. Victor H. Hanson for the Birmingham News and Age-Herald, to the Alabama School of Trades & Industries at Gadsden, Alabama, and

WHEREAS, we have, also, noticed from time to time strong editorials in these newspapers encouraging this institution and stressing the great need for an educational institution of this kind which teaches the trades, therefore,

BE IT RESOLVED, BY THE HOUSE OF REPRESENTATIVES and the Senate concurring, that we extend, on behalf of the white boys of Alabama, who can not be here to express themselves on this subject but who will be benefitted by this generous donation, full appreciation to Mr. Victor H. Hanson, The Birmingham News and The Age-Herald for this splendid and useful gift.

Approved July 13, 1927.

No. 155)

(H. 220. Hollis.)

AN ACT

To promote the public health, convenience and welfare by leveeing, ditching and draining the wet, swamp and overflowed lands of the State of Alabama; to provide for the establishment of levee or drainage districts and sub-districts thereof, for the purpose of enlarging or changing any natural water courses and for digging ditches or canals for securing better drainage or providing better outlets for drainage; to provide for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed lands, and prescribing a method for so doing; to define offenses against drainage districts and providing penalties therefor; to confer the right of eminent domain to the extent necessary to carry out the purposes of this Act; to provide for the assessment and collection of the costs and expenses of installing drainage systems and issuing and selling bonds therefor, and for the care and maintenance of such improvements when constructed, not in excess of the increased value of such property by reason of the special benefits derived from such improvements.

Be it Enacted by the Legislature of Alabama:

Section 1. This Act shall be known, and when cited or amended, may be designated as the "Drainage Act of 1927."

Section 2. The Court of Probate of any county of the State of Alabama shall have jurisdiction, power and authority to establish drainage districts as hereinafter provided; and to locate and establish levees, drains, or canals; and cause to be constructed, straightened, widened, or deepened, any ditch, drain or wa-

ter course; and to build levees or embankments, construct outlets, and erect tide gates, flood gates and pumping plants for the purpose of draining and reclaiming wet, swamp, or overflowed lands; and it is hereby declared that the drainage of surface water and the reclamation of wet lands, swamp lands, overflowed lands, and tidal marshes, shall be considered a public benefit and conducive to the public health, convenience, utility and welfare.

Section 3. The Court of Probate shall keep a complete record of all its proceedings under this Article in a book to be used for the purpose only. The book shall be designated as the "Drainage Record, ofCounty, Alabama," and shall also have recorded therein all bond orders, papers, proofs of publication, auditors and drainage commissioners reports, documents, bonds and plats filed in any drainage proceedings in the Probate Court of that county, except the Drainage Tax Record and the Drainage Tax Books.

Section 4. Whenever a petition praying for the organization of a drainage district, and signed by a majority of the land owners owning more than one-third of the land in acreage in a proposed district, or by at least one-third of the persons owning more than half of the land in acreage in a contiguous body of wet, swamp, or overflowed land, or land subject to overflow, shall be filed with the Court of Probate of such county in which such lands are located or if such lands be composed of tracts or parcels situated in two or more counties then in the office of the Court of Probate of the county in which there is situated more of said lands than in any other county said petition setting forth that any specific body or district of land in the county, or county and adjoining counties, described in such a way as to convey an intelligent idea as to location of such land, is subject to overflow or too wet for cultivation or other use, and that the public benefit or utility, or the public health, convenience or welfare will be promoted by drainage, ditching or leveeing the same, or by changing or improving the natural water courses, or by the installation of tile systems, pumping plants, tide gates or any other methods of drainage or flood control, it shall be the duty of the Court of Probate forthwith to appoint a competent civil or agricultural engineer, experienced in drainage engineering, provided that whenever the owners of a majority in acres of the land comprising the district petition the court for the appointment of any person qualified under this law to act as engineer, it shall be the duty of the court to appoint such engineer. The court shall determine the rate of compensation to be paid the engineer for preliminary surveys and report and shall provide funds for payment of engineering and other expenses incidental to the proceedings, as hereinafter provided. The engineer so

appointed shall after making the necessary examination and survey, report to the court: (1) the boundaries of the region which will be benefited by the work necessary to accomplish the purpose of the petition; (2) a description of the area that in the opinion of the engineer will be benefited, according to legal or recognized subdivisions; (3) whether such work will be conducive to the public health, safety, convenience or welfare; (4) the general plan necessary to accomplish the drainage; (5) a map showing the territory that should be included in said district, and in a general way, the location and nature of the tentative improvement proposed; and (6) an approximate estimate of the cost of the proposed improvements. No land owner having signed the petition for the formation of a levee or drainage under this act shall have his name stricken from such petition without the written consent of the owners of a majority of the acreage owned by those signing said petition.

Section 5. Immediately upon the filing of the report of the engineer, it shall be the duty of the Court of Probate to forthwith give notice thereof by personal service or by causing publication to be made as hereinafter defined and, in case of publication, the following form shall suffice: Notice of Petition For The Organization Of a Drainage District. Notice is hereby given to all persons interested in the following described lands in.....County, State of Alabama: (Here describe the lands as set out in the preliminary survey of the engineer on file with this court), that a petition has been filed with this Court signed by a majority of the persons owning at least one-third of the land or by at least one-third of the persons owning more than one-half of the aforementioned land, asking that the aforementioned and described lands be organized into a drainage district under the provisions of an Act of the Legislature of the State of Alabama, Session of 1927, known as the "Drainage Act of 1927" and that the lands above described will be affected by the formation of said district and be rendered liable to taxation for the purpose of constructing and maintaining the improvements that may be found necessary in said district, and you and each of you are hereby notified to appear at a term of the Court of Probate to be held on the day of....., 19..... at..... o'clock inCounty, and show cause if any there be why the aforementioned and described lands should not be organized as a drainage district. Probate Judge ofCounty.

Section 6. The Court of Probate of the county in which said petition is filed shall thereafter maintain and have original and exclusive jurisdiction co-extensive with the boundaries and limits of said district without regard to the county lines for all pur-

poses of this Act, subject, however, to the right of appeal to the Circuit Court of the county in which the petition is filed.

Section 7. Any owner of real property in said proposed district who wishes to object to the organization and incorporation of said district shall on or before 12 o'clock, (noon) of the day set for the causes to be heard file his objection in writing stating why such district should not be organized and incorporated. On the day appointed for the hearing, the Court shall hear and determine in a summary manner any objection that may be offered to the sufficiency of the petition or to the report of the engineer. If it appear that there is any land within the proposed district that will not be benefited by the proposed improvement thereof, such lands shall be excluded; and if it shall be shown that there is any land without the proposed district that will be benefited by the construction of the proposed levee or drains the boundaries of the district may be so changed as to include such lands and such owners of additional lands shall be made parties to the proceedings and notice to the owners of such additional lands shall be given by publication as hereinbefore provided, or by personal service, and the hearing shall be continued to a date to be fixed by the Court, upon which date the objections, if any, are filed to the inclusion of additional lands shall be adjudicated and such additional lands as may be adjudged benefited by said improvements shall thereupon be included within the proposed district. If it further appear that the purpose of this Act would be subserved by the creation of the proposed drainage district, the Court shall, after disposing of objections as justice and equity require by its findings duly entered of record, adjudicate all questions of jurisdiction, declare the district organized as a body corporate, giving it a corporate name by which in all proceedings it shall thereafter be known, with all the powers of a public corporation, with power to sue and to be sued, to incur debts, liabilities and obligations, to exercise the powers of eminent domain for the purpose of securing adequate outlets and such rights-of-way as may be necessary to carry out the intentions of this Act and the right of assessment as herein provided, to issue bonds, and to do and perform all acts herein expressly authorized and all acts necessary and proper for the carrying out of the purpose for which the district was created and for executing the powers with which it is invested. If the Court at the final hearing shall find against the sufficiency of the petition or the improvement it shall dismiss the petition and proceedings at the cost of the petitioners and shall issue an itemized bill of all costs and expenses, which itemized statement of costs and expenses shall have the full force and effect of a judgment and constitute a lien upon the lands of the petitioners within said proposed district, which

liens shall be of equal dignity with the lien for general state, county, city, village, school and road taxes, and the court shall forthwith order the levying and collection of a uniform acreage tax on all of the lands included in the petition owned by the petitioners for organization to meet the expenses incurred, and such tax shall be due and payable as soon as levied, and if not paid by the 31st day of December in the year in which it is levied, the same shall become delinquent and shall be turned over to the tax collector of the county in which the lands are located for collection, and the collection of such taxes shall be proceeded with in the same manner as delinquent general state and county taxes.

Section 8. The order of the Court of Probate establishing said district shall have all the force of a judgment and the court shall forthwith levy a uniform tax of not more than fifty cents (50c) per acre upon each acre of land within such district to be used for the purpose of defraying the expenses incurred in establishing said district or to be incurred in organizing said district, making surveys of the same, and assessing benefits and damages and to pay other expenses necessary to be incurred before the Board of Commissioners hereafter provided for shall be empowered by the subsequent provisions of this Act to provide funds to pay the total costs of works and improvements of the districts. In case the boundaries of the district be extended under subsequent divisions of this Act so as to include land and other property not contained within the district as organized by order of the Court of Probate in the first instance the same uniform tax shall be made on such lands as soon as the same shall have been annexed and included in the district. Such tax shall be due and payable as soon as levied and if not paid by the thirty-first day of December in the year in which it is levied, shall become delinquent and shall be turned over to the tax collector of the county in which the lands are located for collection, and the collection of such taxes shall be proceeded with in the same manner as delinquent general state and county taxes. This tax shall be a lien, equal in dignity with the lien for general state and county taxes on the land against which it is levied from the time the levy is made. In case the sum raised from such levy exceeds the total cost of items for which the same has been levied the surplus shall be placed in the general funds of the district and used to pay the cost of construction.

Section 9. Upon the organization of the district the Court of Probate shall appoint three drainage commissioners to be designated "Board of Drainage Commissioners", who shall have control of the affairs of the district, and each drainage commissioner, shall be an owner of real property within the district, and shall be over twenty-one years of age, and at least one of them

shall be a resident of the county in which the proceedings are held. Whenever the owners of a majority in acres of the land comprising a district petition the Court for the appointment of any person qualified under this law to act as a drainage commissioner, it shall be the duty of the Court to appoint such person or persons, but in the absence of such petition it shall be the duty of the Court to appoint some competent person or persons. Each of these drainage commissioners shall take the oath of office as declared by the constitution of the State and shall also swear that he will not directly or indirectly be interested in any contract made by the Board of Drainage Commissioners, save and except so far as he may be benefited as a land owner in common with other land owners by the works constructed. Any drainage commissioner failing to take oath within thirty days after his appointment, or failing to give bond in the sum of not less than one thousand dollars (\$1,000) to be fixed by the court, shall be deemed to have declined to act as drainage commissioner and his place shall be filled by the Court. The said Board of Drainage Commissioners shall adopt a seal for the district and they may from time to time make such by-laws, rules, regulations and orders, and change the same, as they may deem proper and not inconsistent with this Article and the laws of the State, for the purpose of carrying into effect the object of their incorporation. They shall elect from their own number a president and secretary and appoint and employ such other officers, engineers, attorneys, and agents, and employ such persons, as they may deem necessary for the efficient management of their business, and may remove them at pleasure. The drainage commissioners appointed as aforesaid shall hold their offices, one for two years, one for four years, and one for six years from the date of their appointments and until their successors are appointed and qualified. The court shall indicate the term of office of each drainage commissioner and on the expiration of their terms of office their successors shall be appointed in like manner for the term of six (6) years thereafter. Said Board of Drainage Commissioners shall hold their meetings at any time and place in the county of counties in which any part of the district is situated upon the call of the president, or the president shall call a meeting when petitioned by a majority of the members of said board; provided that an annual meeting of said Board of Drainage Commissioners shall be held at the office of the Judge of Probate having jurisdiction over the district, on the second Saturday of September each year to consider any business which may come before them in behalf of the district or any questions which any landowner may desire to present. All vacancies on the Board of Drainage Commissioners shall be filled by the court, but if the owners of a majority in acres of the land

comprising a district shall petition for the appointment of a particular person for drainage commissioner, it shall be the duty of the Court to appoint the person so designated. A majority of the Board of Drainage Commissioners shall constitute a quorum and the concurrence of a majority of the members at any regular or legally called meeting shall be conclusive as to any matters within the jurisdiction of said Board.

Section 10. Any commissioner, viewer or other officer of any district organized under this Act may, after due hearing, be removed for cause upon a motion filed in the Court of Probate where said district was organized.

Section 11. If the Court finds that any property set out in the report of the engineer should not be incorporated in the district, the Board of Commissioners or any owner of realty in the district may, within 20 days, after the refusal of the Court of Probate to include said property in the district, appeal from the order of the Court to the Circuit Court, upon giving bond in a sum to be fixed by the Court conditioned for the payment of costs if the appeal should be decided against said appellant. Any person owning lands within the district that in his opinion will not be benefited by the improvement and should not be included in the district may, within 20 days, appeal from the decision of the Court to the Circuit Court by filing an appeal accompanied by a bond approved by the Court, conditioned for the payment of the cost if the appeal should be decided against him.

Section 12. If it shall be necessary to acquire a right of way or any outlet over and through lands not affected by the drainage, then and in such event the power of eminent domain is hereby conferred, and such land may be condemned. The right of condemnation hereby conferred being exercised by application to the Court of Probate of the county in which the lands over which such right of way or outlet is desired, or a material portion thereof, are situated, and the same proceedings shall be had as in cases of condemnation of lands for public uses, as provided by Article 1 of Chapter 286 of the Code of 1923 embracing sections 7476 to and including 7533, and such damages as may be awarded as compensation shall be paid by the Board of Drainage Commissioners out of the first funds which shall be available from the proceeds of the sale of bonds or otherwise.

Section 13. The Board of Drainage Commissioners of any district organized under this Act, or their employees or agents, including contractors and their employees, and the engineer and members of the Board of Viewers and their assistants, may enter upon the lands within or without the district in order to make surveys and examinations to accomplish the necessary preliminary purposes of the district, or to have access to the work, being liable, however, for actual damage done. Any person or in-

corporation preventing such entrance shall be guilty of a misdemeanor, punishable by fine not exceeding fifty (50) dollars in the discretion of the court.

Section 14. Within sixty days after the district is established it shall be the duty of the Board of Drainage Commissioners to appoint as district engineer a competent civil or agricultural engineer of good standing in his profession who is familiar with land reclamation, and it shall be the duty of the Court of Probate to refer the report of the preliminary survey to the district engineer who shall make a survey of the district and shall prepare a report, with plans for improvements, for the district. Such report shall include maps, profiles, specifications, estimates of cost and other data and descriptions which are necessary in the judgment of said district engineer to show the location and character of the work and the information needed by the Board of Drainage Commissioners, provided that the drainage map shall show the location of the proposed ditch or ditches and other improvements and the boundary, as closely as may be determined by the records of the Tax Assessor, of the land owned by each individual land owner within the district, also the location of any railroads or public highways and the boundary of any incorporated town or village. Such report shall also contain an accurate description of all lands and other property, which, in the opinion of the Engineer, will be needed to be taken for right-of-way or for the uses and purposes of the district. In case the engineer finds that the data of any former surveys or other proceedings may be useful for the purposes of the district, the Board of Drainage Commissioners may take over and use such data and may pay therefor the amount of its value to the district. The engineer and Board of Drainage Commissioners in the preparation and adoption of plans shall consider the best interest of the district and are not bound to follow or adopt the plans that may be outlined in the preliminary report of the engineer. The engineer may, at the expense of the district and with the approval of the Board of Drainage Commissioners, employ the necessary assistants in making surveys, maps and profiles, and may secure the services of a consulting engineer or expert advisor. Upon receipt of the final report of the district engineer concerning surveys made of the lands and other property in the district organized, and plans for draining the same, the Board of Drainage Commissioners shall adopt such report or any modification thereof approved by the district engineer after consulting with him, and thereafter such adopted report shall be the plan for draining, leveeing or reclaiming such lands and other property from overflow or damage by water, and it shall after such adoption be known and designated as the "Plan of Reclamation," which plan shall be filed with the Judge of the

Court of Probate and incorporated into the records of the district. A copy of the Engineer's report and plan of reclamation shall also be submitted to the State Commissioner of Agriculture and Industries for examination. After such examination, by said commissioner, the report and plan of reclamation shall be filed with the Division of Agricultural Engineering, Alabama Polytechnic Institute, Auburn, Alabama.

Section 15. Whenever the proposed improvement crosses the right-of-way of any railroad company, it shall be the duty of the Board of Drainage Commissioners, before adopting the plan of reclamation, to promptly notify such railroad company by serving written notice on any agent of such company or its lessee or receiver, that the Board of Drainage Commissioners will meet the company at the place where the proposed ditch, levee or other drainage improvement will cross the right-of-way of such company, said notice fixing the time of such meeting which shall not be less than ten (10) days after the service of the same, for the purpose of conferring with said railroad company with relation to the place and the manner in which said improvement shall cross such right-of-way. It shall be the duty of the Board of Drainage Commissioners and the railroad company to agree, if possible, upon the place where and the manner and method in which such improvement shall cross such right-of-way. If the Board of Drainage Commissioners and the railroad company cannot agree, or if the railroad company shall fail, neglect to refuse to confer with the Board of Drainage Commissioners, said Board of Drainage Commissioners shall determine the place and manner of crossing the right-of-way of said railroad company, and shall specify the number and sizes of openings required and so specify in the Plan of Reclamation, and they shall further specify that they could not agree with the railroad company or that the latter failed, neglected or refused to confer with them.

Section 16. The Board of Drainage Commissioners may correct errors in or amend the Plan of Reclamation at any time upon the recommendation or concurrence of the district engineer when it appears that the purpose for which the district is organized may thereby be more effectively and economically accomplished; provided, that after assessments of benefits has been confirmed by the Court, no such amendment to plans shall be effective until approved by the Court, having jurisdiction of the district after a hearing for which notice shall be given as in case of the assessment of benefits, at which hearing all parties whose property has been assessed for benefits or may be damaged or taken by reason of such amendment, shall have opportunity to be heard. When any amendment to the Plan of Drainage is approved by the Court the benefits and damages resulting

from such amendment shall be determined at the same hearing.

Section 17. Within twenty days after the adoption of the Plan of Reclamation, the Secretary of the Board of Drainage Commissioners shall prepare and transmit a certified copy thereof to the court of probate of the county in which the district is organized, and at the same time the Board of Drainage Commissioners shall file with said Court of Probate a petition to appoint viewers to appraise the lands within and without said district to be acquired for rights-of-way, holding basins and other drainage works of the district, and to assess benefits and damages according to all lands in the district and other property by reason of the execution of the Plan of Reclamation. Within thirty days after the filing of such petition the Court of Probate shall by an order appoint a Board of Viewers consisting of three viewers who shall be disinterested owners of realty in the county or counties involved. A majority of said viewers shall constitute a quorum and shall control the action of the Board of Viewers on all questions.

Section 18. Within thirty days after qualifying, the Board of Viewers shall begin their duties, and they may at any time call upon the attorney of the district for legal advice and information relative to their duties. Said viewers shall proceed to view the premises and determine the value of all land and other property within or without the district to be acquired and used for rights-of-way, holding basis, or other works set out in the engineer's report. They shall assess the amount of benefits and the amount of damages, if any, that will accrue to each tract of forty acres or less, according to the legal or recognized subdivisions of land according to ownership, to public highways, railroad and other rights-of-way, railroad roadways and other property, from carrying out and putting into effect the Plans of Reclamation. The engineer of the district or his representative shall accompany the Board of Viewers while they are viewing the lands of the district. The viewers, in assessing the benefits of lands, public high-ways, railroad and other rights-of-way, railroads, roadways and other property not traversed by such works and improvements as provided for in the Plan of Reclamation, shall not consider what benefits will be derived by such property after ditches, improvement or plans other than those incorporated in the Plan of Reclamation shall have been constructed, but they shall assess only such benefits as will be derived from the construction of the works and improvements specifically set out in the Plan of Reclamation, or as the same may afford an outlet for drainage or protection from overflow of such property. In all cases where the drainage improvements follow swales, bayous, natural watercourses or existing waterways which intersect railroad rights-of-way, the railroad company

shall be required to construct, build and maintain any necessary new bridges or culverts, or to enlarge, strengthen, reconstruct or replace any old ones at its or their own expense. In all cases where the drainage improvements intersect such rights-of-way at any other place, the expense of building such bridges and culverts shall be considered by the viewers as an element of damage to the railroad company, the amount of which shall be estimated and shown separately in the viewers' report and paid in cash as are other damages. In such case the viewers before assessing such damages and before filing their report shall promptly notify such railroad company by serving written notice upon the agent of such company or its lessee or receiver, that they will meet the company's representative at the place where the proposed district, ditch, drain or water course crosses the right-of-way of such company, said notice fixing the time of such meeting, which shall not be less than ten (10) days after the service of the same for the purpose of conferring with such railroad company on the amount of such damages. When the time fixed for such conference shall have arrived, unless for good cause more time is agreed upon, it shall be the duty of the Board of Viewers and the railroad company to agree, if possible, upon the amount of such damages. If the Board of Viewers and the railroad company cannot agree, or if the railroad company shall fail, neglect or refuse to confer with the viewers, said viewers shall proceed to assess such damages, if any, to such railroad company and so specify in their report, and they shall further specify that they could not agree with the railroad company, or that the latter failed, neglected or refused to confer with them. The viewers shall give due consideration and credit to any other drains, ditch or ditches, levee or levees, or other methods of drainage which may already have been constructed and which shall afford partial or complete protection to any tract or parcel of land in the new district. The public highways, railroad and other rights-of-way, roadways, railroad and other property, shall be assessed according to the increased physical efficiency and decreased maintenance cost of such roadways by reason of the protection to be derived from the proposed works and improvements. The Board of Viewers shall have no power to alter the Plan of Reclamation heretofore provided. The Board of Viewers shall prepare a report of their findings, which shall be arranged in tabular form, the columns of which shall be headed as follows: Column 1, "owner of property assessed"; column 2, "description of property assessed"; column 3, "number of acres assessed"; column 4, "amount of benefits assessed"; column 5, "number acres taken for right-of-way;" column 6, "value of property taken for right-of-way"; column 7, "damages awarded," provided, that mistake in the name of the owner of any lands

assessed shall not invalidate the assessment. There shall be set out a description of the land and other property to be required for right-of-way and for the uses and purposes of the district and the value of each tract or parcel thereof. Said report shall be signed by at least a majority of the Board of Viewers and filed with the Court of Probate of the county organizing said drainage district.

Section 19. When the report of the Board of Viewers is fully completed in accordance with the provisions of this Act, and filed, the Court of Probate shall forthwith set a date for hearing said report, not less than 30 days thereafter, and shall give notice thereof by causing publication to be made as hereinafter defined, and the following form shall suffice: "Notice Of Filing Of Viewers' Report And Hearing Thereon for Drainage District. Notice is hereby given to all persons interested in the following described land and property in County (or Counties), Alabama; (here describe land and property) included within and without Drainage District, that the Board of Viewers heretofore appointed to assess benefits and damages to the property and lands situated within and without said drainage district and to appraise the cash value of the land necessary to be taken for rights-of-way, holding basins and other works of said district within or without the limits of said district, filed their report in this office on the day of, 19...., and that the day of, 19...., is hereby set as the day for hearing the same, you and each of you are hereby notified that you may examine said report and on or before the said day of hearing file exceptions to all or any part thereof as provided by law. Probate Judge of County, Alabama."

Section 20. On or before the day set for the hearing of the final report of the Board of Viewers, the drainage district or any owner of land or other property in said district, or any person having interest in any lands or other property within said district, may file exceptions to said report or to any assessment for either benefits or damages. All exceptions shall be heard by the Court and determined in a summary manner, so as to carry out liberally the purposes and needs of the district, and if it appears to the satisfaction of the Court, after having heard and determined all of said exceptions, that the estimated cost of constructing the improvements contemplated in the Plan of Reclamation, together with the damages assessed, is not greater than 90 per cent of the benefits assessed against the land and other property in said district, then the Court shall approve and confirm the report of the Board of Viewers as so modified and amended. If, however, the Court finds that the cost of construction, together with the damages assessed, exceeds 90 per

cent of the benefits assessed, the Court shall dismiss the proceedings at the cost of the land owners in said district, and render its decree, decreeing the incorporation of the district to be dissolved as soon as all costs, incurred, which shall include court costs and all obligations and expense incurred in behalf of the district by the Board of Drainage Commissioners, shall have been paid; and if the uniform tax levy under the provision of Section Seven of this Act be found insufficient to pay all such costs, the Board of Drainage Commissioners shall make such additional uniform tax levies as will be necessary to pay such deficiency, provided that any fund remaining after such costs and expenses have been paid shall be prorated among the land owners in the same ratio as it was collected. The Court of Probate of the county in which the drainage district is organized shall transmit a certified copy of the court decree and copy of the Board of Viewers' report, as confirmed or amended by the Court, to the Board of Drainage Commissioners of the district, and if the District embraces lands in more than one county then the Secretary of the Board of Drainage Commissioners shall thereupon make and transmit a certified copy of the said decree and that part of the said report affecting land in each county, to the Court of Probate of each county except the county in which the District is organized, having lands in the district assessed with benefits, where the same shall become a permanent record, and each such Court of Probate shall receive a fee of \$1.00 for receiving, filing and preserving the same.

Section 21. Any person aggrieved may within ten days after the confirmation of the Board of Viewers' report appeal from the judgment of the Court of Probate to the Circuit Court and upon such an appeal there may be determined either or both of the following: first, whether just compensation has been allowed for property appropriated; and second, whether proper damages have been allowed for property prejudicially affected by the improvements. Such appeal shall be taken and prosecution as now provided by law, which appeal shall be based and heard only upon the exceptions heretofore filed by the complaining party, either as to issue of law or fact, and no additional exceptions shall be considered by the Court upon the hearing of the appeal; provided, that nothing in this Section shall be construed to authorize any appellant to stay the proceedings of the district, or to prevent progress in the work of constructing any work or improvement; but said district may proceed with said work, and any subsequent proceedings in the Circuit Court shall affect only the rights and interest of the appellant in property located in such district.

Section 22. After the list of lands and other property with the assessed benefits and the decree and judgment of the court

have been filed as provided in Section 20 of this Act, the Board of Drainage Commissioners shall without unnecessary delay levy a tax of such portion of said benefits on all lands and other property in the district to which benefits have been assessed, as may be found necessary by the Board of Drainage Commissioners to defray the costs and expenses of the proposed works and improvements as incorporated in the Plan of Reclamation, plus 10 per cent of said total amount for emergencies. The said tax shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits assessed and not in excess of 90 per cent thereof, and in case bonds are issued as provided herein and hereafter, then the amount of the interest (as estimated by said Board of Drainage Commissioners), which will accrue on said bonds, shall be included and added to the said tax, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the costs of construction in determining whether or not the expenses and costs of making said improvements are or are not in excess of 90 per cent of the benefits assessed. The Board of Drainage Commissioners, as soon as said total tax is levied, shall at the expense of the district prepare a list of all taxes levied, in the form of a well bound book, which book shall be endorsed and named "Drainage Tax Record of Drainage District, County (or counties), Alabama," which endorsement shall also be printed or written at the top of each page in said book, and said Tax Record shall be signed and certified by the president and secretary of the Board of Drainage Commissioners, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of the secretary of the Board of Drainage Commissioners, and a copy thereof shall be filed in the Court of Probate of each of the counties having lands in said district, as the same may affect the land or other property in that county, where the same shall become a permanent record of the Court, and for receiving and filing the Drainage Tax Record the Court of Probate shall be allowed a fee of \$1.00. The followig form shall be sufficient for such a drainage tax record: State of Alabama, County Of (S.S. To the Court of Probate Of County, Alabama. This is to certify that by virtue and authority of Section 22 of an Act of the Legisltature of Alabama, session 1927, known as the "Drainage Act of 1927", the Board of Drainage Commissioners of Drainage District, in which are situated the lands and other property in the county (or counties) of and State of Alabama, do hereby certify that the tax authorized by said Act, and the land and other property against which the same is levied, are described in the following table, in which table are: 1. The names of the supposed owners of said land and

other property. 2. The descriptions of said land and other property opposite the names of the said owners. 3. The amount of such tax levied against each tract of land or piece of property. (Here insert schedule as above including description of land and amount of tax and then complete record with the following:)

The said tax shall be payable in not to exceed twenty annual installments, the amount of each installment as well as the amount of maintenance tax to be determined and certified to the tax collector of the county, not later than the first Monday in October of each year. The aforesaid tax and such maintenance tax as may be levied from time to time shall be a first lien equal in dignity with the lien for State and county taxes upon the land and other property herein and therefore described. Witnessed by the signature of the president of the Board of Drainage Commissioners of the said drainage district, attested by the seal of said district and by the signature of the Secretary of said Board of Drainage Commissioners, this day of, 19.....,

..... President, Secretary. In case the proceeds of the taxes levied as herein provided are not sufficient to construct the improvements as described in the Plan of Reclamation then the Board of Drainage Commissioners shall make, certify and provide for the collection of such additional taxes as are necessary to complete the improvements; provided, however, that the aggregate of all such levies, exclusive of maintenance taxes and taxes levied for interest on bonds, shall not exceed 90 per cent of the total benefits assessed and confirmed.

Section 23. The said Board of Drainage Commissioners shall each year thereafter determine, order and levy the amount of the annual installment of the total taxes levied under the preceding section, which shall become due and be collected during said year, at the same time that State and county taxes are due and collected, which said annual installment and levy shall be evidenced and certified by the said Board as hereafter provided. Prior to the first Monday in October of each year, one copy of the Drainage Tax Book shall be delivered to the Tax Collector of each county in which lands and other property of said district are situated, after the judge of the Court of Probate of the county in which the district was organized has affixed his signature to the certificate and order directing the collection of said tax, and said tax shall thereupon have the force and effect of a judgment as in the case of State and county taxes. The certificate and order of said installment tax shall be in substantially the following form: "State of Alabama, County of

To Tax Collector of County: This is to certify that by virtue and authority of an Act of the Legislature of the State of Alabama, passed at the 1927 session thereof, and known as

the "Drainage Act of 1927", the Board of Drainage Commissioners of..... Drainage District of..... County (or counties), of Alabama, have and do hereby levy the sum of \$..... as the annual installment of tax for the year 19..... of the total tax levied under the provisions of said Act, which said total tax has heretofore been certified to the Court of Probate of..... County, and said Board of Drainage Commissioners by and under the authority of the same Act have levied also the sum of \$..... as a maintenance tax for said year; said annual installment of tax and maintenance tax on the real estate and other property situated in your county are set out in the following table, in which are: First, the names of the supposed owners of said lands and other property; second, the description of said lands and other property opposite the name of said owners; third, the amount of said installment of tax levied on each tract of real estate or other property; and fourth, the amount of maintenance tax levied against the same. (Here insert the schedule after which the balance of the certificate shall appear.) The said taxes shall be collectible and payable the present year at the same time that State and County Taxes are due and collected, and you are directed and ordered to demand and collect the said taxes at the same time you demand and collect the State and county taxes due on the same lands and other property, and this "Drainage Tax Book" shall be your warrant and authority for making such demand and collection. Witness the signature of the Judge of the Court of Probate of the county in which the district was organized and the President of the said Board of Drainage Commissioners, attested by the seal of said district and the signature of the Secretary of said Board, this the..... day of, A.D., 19.....

Judge of the Court of Probate. County, Alabama. President of the District. Attest: Secretary of the District. In preparing the drainage tax record provided for by this Section the Board of Drainage Commissioners shall show in properly ruled columns: First, the names of the owners of said land and other property as they appeared in the report of the Board of Viewers; second, the descriptions of the said lands and other property opposite the names of said owners; third, the amount of said annual installment tax levied for each tract or piece of property; fourth, the amount of maintenance tax; fifth, a blank column in which the collector shall record the several amounts as collected by him; sixth, a blank column in which the collector shall record the date of payment of the different sums; seventh, a blank column in which the collector shall record the names of the person, or persons, paying the several amounts. Provided, that

mistake in the names of the owners appearing in the Drainage Tax Books shall not invalidate the assessment. The columns in which the annual installment tax appears shall be correctly totalled. The said certificate and table shall be prepared in the form of a well bound book, which shall be endorsed and named "Drainage Tax Book, Drainage District, County (or counties), Alabama, for the year 19.....," which endorsement shall also be printed at the top of each page in said book. All taxes provided for in this Act shall constitute a lien equal in dignity with the lien for general state and county taxes upon the lands assessed, and except as hereinafter provided they shall be collected in the same manner and by the same officials as State and county taxes are collected. The said taxes shall be due and payable on the first Monday in October of each year, and if the same shall not be paid in full by the thirty-first day of December following, they shall become delinquent, and when so delinquent shall bear a penalty of two per cent per month until paid, each fractional month being counted as a full month. It shall be the duty of the tax collector to sell the land or lands so delinquent, the sale of lands for failure to pay such taxes and penalty to be made at the court house door of the county in which the lands are situated between the hours of eleven o'clock in the forenoon and four o'clock in the afternoon of the first Monday in February of each year, and if for any reasonable cause the same cannot be made on that date, the sale may be continued from day to day for not exceeding four days, or the lands may be readvertised and sold on the first Monday in March succeeding, during the same hours, without any order therefor, and the sale of such lands for drainage taxes and penalties or any installment thereof shall be made subject to the lien of any unpaid State, county or city taxes due thereon, and the sale of lands for any State, county, or city taxes due thereon shall be subject to the lien of any taxes or installments thereof levied under this Act. In all other respects, except as to time of sale of lands and the two per cent penalty for each month's delinquency or part thereof, the existing law as to the collection of State and county taxes shall have application to the collection of drainage assessments under this Act. It shall be the duty of the sheriff or tax collector to pay over to the district treasurer promptly the money so collected by him upon said tax assessments, to the end that the said treasurer may have funds in his hand to meet the payment of interest and principal due upon any outstanding bonds as they mature. If at such sale or sales, no bidder is found who will bid the amount of drainage tax, interest, penalty and costs due thereon, the land shall not be sold but shall be re-offered the next year.

Section 24. When any property in a drainage district has been divided, sold or transferred the tax collector may receive taxes levied under this Act on a part of any tract, piece or parcel of land or other property and give his receipt accordingly only when the deed or transfer of said property shows the agreed division of said taxes and the approval of the Board of Drainage Commissioners of the district.

Section 25. The tax collector of each county shall retain for his services as collector of taxes for the drainage district one-half of one per cent of the amount he collects of current taxes and one per cent of the amount he collects of delinquent taxes, penalties, and costs. If any tax collector or sheriff shall refuse, fail or neglect to promptly make full payment of the tax, or any part thereof, collected under this Act he shall pay to the treasurer of the district a penalty of 10 per cent on account of his delinquency. Said penalty shall at once become due and payable and both he and his surety shall be liable to the district therefor.

Section 26. Any person owning lands and other property assessed for the construction of any ditch or other improvement under the provisions of this Act shall have the privilege of paying such tax assessment to the district treasurer on or before a date to be fixed by the Board of Drainage Commissioners, notice of which date shall be given by publication in a newspaper published in each county in which lie lands in the district at least ten days before such fixed date, and the amount to be paid shall be the full amount of the tax levied, less any amount added thereto to meet interest. When such tax assessment has been paid, the Secretary of the Board of Drainage Commission shall enter upon the Drainage tax record opposite each tract for which payment is made, the words "paid in full", and such tax assessment shall be deemed satisfied, and the Secretary of the Board of Drainage Commissioners shall also make or cause to be made the same entry opposite each tract for which payment is made upon the Drainage Tax Record, filed with the Court of Probate of the county in which the property is located, provided, that such payment shall not operate as a release of the lands or other property on which the full amount of taxes levied has been paid from liability to pay additional taxes upon said lands and other property as provided for in this Act.

Section 27. Each and every person owning land in the district who shall fail to pay to the district treasurer the full amount for which his land is liable, as aforesaid, within the time above specified, shall be deemed as consenting to the issuance of drainage bonds, and in consideration of the right to pay his proportion in installments, he thereby waives his right of defense to the payment of any tax which may be levied for

the payment of bonds, because of any irregularity, illegality, or defect in the prior proceedings except in case of an appeal, as hereinbefore provided, which is not affected by this waiver.

Section 28. The Board of Drainage Commissioners may issue bonds of the drainage district from time to time for an amount equal in the aggregate to the total cost of the improvement including all preliminary organization and administration expenses not heretofore provided for, less such amounts as shall have been paid in cash to the district treasurer. In no case, however, shall the par value of the bonds issued plus such amounts as shall have been paid in cash to the District Treasurer exceed 90 per cent of the aggregate of benefits assessed against the land or other property. The bonds shall be numbered serially and shall bear interest not to exceed six per centum per annum, payable semi-annually, and shall mature at annual intervals within twenty years commencing after a period of years not later than five years to be determined by the Board of Drainage Commissioners, and said bonds shall be signed by the President of the Board of Drainage Commissioners, attested with the seal of said district and by the signature of the secretary thereof, and the interest coupons attached to said bonds may be executed with the fac-simile signature of the secretary of said district. It shall, however, be unnecessary to affix the seal of the district to the interest coupons. Bonds issued hereunder shall have all the qualities of negotiable paper within the meaning of the law merchant. Said bonds may be prepared at the expense of the District and executed from time to time or at one time, and when delivered for value shall be held to be the obligations of the district, although executed by officials other than those in office at the time of the delivery for value, provided the officials signing them were in office at the time they signed the bonds. The Secretary of the Board of Drainage Commissioners shall file in the Court of Probate in which the drainage district was organized, a certified copy of the order of the Board of Drainage Commissioners authorizing and describing any bonds issued hereunder, and the said order shall be recorded in the Drainage Record of said county. This order shall set forth the amount, date, denomination, maturity and numbers of the bonds to be issued, as well as the bond form including the place of payment, and before any of said bonds are delivered for value the Judge of said Court of Probate shall certify on each bond that a copy of the order authorizing same has been duly recorded in the Drainage Record of said county. It shall be sufficient to say: This is to certify that a copy of the order of the Board of Drainage Commissioners of _____ Drainage District of _____ County, Alabama, authorizing this bond has been duly recorded

in the Drainage Record of County,
Alabama, Judge of the Court of Pro-
bate County, Alabama.

Section 29. The Board of Drainage Commissioners may sell the bonds for cash at not less than 95 per cent of the par value plus accrued interest and devote the proceeds to the payment of the work as it progresses and to the payment of other expenses of the district provided for in this Act, and for no other purpose or purposes. The funds of the district derived from the sale of bonds, collection of taxes, or any other source shall be placed in any such depositories as may be designated by the Board of Drainage Commissioners, and the depositories shall pay into the treasury of the district such rate of interest as may be mutually agreed upon between the depository and the Board of Drainage Commissioners; provided, that the rate of interest shall not be less than 2 per cent per annum and that the funds shall be subejct to withdrawal at any time by the commissioners for the payment of the obligations of the district.

Section 30. The principal and interest of bonds issued under this Act shall be payable at such place or places as the Board of Commissioners may designate. At least two weeks before the principal and interest of any bonds are due and payable it shall be the duty of the treasurer of the drainage district, to forward to the place of payment named in such bonds, an amount sufficient to meet the principal and interest thereon coming due, together with the customary fee of such paying bank not to exceed one-fourth of one per cent. It shall be the duty of the Board of Drainage Commissioners in making the annual tax levy as hereinbefore provided to take into account the maturing bonds and interest on all bonds and to make ample provisions in advance for the payment thereof. In case the proceeds of the original tax levy made under the provisions of Section 22 of this Act are not sufficient to pay the principal and interest of all the bonds issued thereunder, then the Board of Drainage Commissioners shall make such additional levy or levies upon the benefits assessed as are necessary for this purpose and may issue additional bonds in like manner as in the first instance provided, that the total tax levies, exclusive of maintenance taxes, or taxes levied to pay the interest on bonds, shall not exceed 90% of the benefits assessed.

Section 31. If any installment of principal and interest evidenced by any bonds, issued under the provisions of this Act, shall not be paid at the time and in the manner when the same shall become due and payable, the same shall bear interest at the rate of eight per centum per annum until paid, and if such default shall continue for a period of sixty (60) days, the holder or holders of such bond or bonds upon which default has been

made may have a right of action against said drainage district wherein the court may issue a writ of mandamus against the officers of said district including the tax collector directing the levying of a sufficient tax as herein provided and the collection of same in such sum as may be necessary to meet any unpaid installments of principal and interest and costs of suit; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law. And as an additional remedy in case of default in the payment of the principal and interest of any bonds heretofore or hereafter issued by any drainage district within the State of Alabama, which default has existed for sixty (60) days and payment has been demanded by the holder of any such bond or interest coupon at the place designated for payment in such instruments, and also to the President of the Board of Drainage Commissioners of any such drainage district, the holder or holders of such bonds or interest coupons shall have the right to make application to any court of competent jurisdiction for the appointment of a receiver for such defaulting drainage district, and it shall be the duty of said court upon presentation of a petition properly verified to appoint a receiver in such case to collect any taxes due such district, and such receiver shall have power to institute suits for the collection of delinquent taxes and to do all things necessary to collect delinquent taxes or other debts due the district, and the said receiver may be directed by suit to foreclose the lien of said taxes on said lands, and out of the proceeds of any collections so made the receiver shall first pay all costs and shall pro rate the remainder of such collections to the payments of bonds and coupons then due; and said receiver shall be under the jurisdiction and control of the court appointing him and he shall have power to proceed in any court of competent jurisdiction where it is necessary to enforce any lien against any land within the district, and said court shall have the power to discharge said receiver at any time and appoint another in his stead, and when all bonds and interest coupons past due shall have been paid, the receiver shall be discharged. Suits for the foreclosure of taxes by any receiver appointed hereunder, shall be conducted in the following manner: Such suits shall be brought in the Circuit Court in Equity of the county in which the lands are situated, and the said court shall give judgment against all of such lands or other property in said district, for the amount of such taxes, together with all interest and penalties accrued thereon, and costs. Such judgment shall provide for the sale of such delinquent lands for cash in the same manner as other judicial sales of land. Said proceedings and judgment shall be in the nature of proceedings in rem, and it shall be immaterial that the ownership

of such lands be incorrectly alleged in said proceedings, and such judgment shall be enforced wholly against such lands and not against any other property or estate of the defendants. All or any part of said delinquent lands for each of said counties may be included in one suit for each county, instituted for the collection of said delinquent taxes, etc., as foresaid; and notice of the pendency of such suit shall be given by publication weekly for four weeks (four insertions) before judgment is entered for the sale of said lands, in some newspaper published in the county where such suits may be pending, if there be one, and if no newspaper then in some newspaper in an adjoining county, which public notice may be in the following terms: Receiver for Drainage District vs Delinquent Lands. All persons having or claiming any interest in any of the following described lands are hereby notified that suit is pending in the Circuit Court in Equity of County, Alabama, to enforce the collection of certain drainage taxes on the subjoined list of lands, the name of each supposed owner having been set opposite his or her or its lands together with the amounts severally due from each, to-wit: (Then shall follow a list of supposed owners, with a descriptive list of said delinquent lands and amounts due thereon respectively, as aforesaid) and said public notice may conclude in the following form: All persons and corporations interested in said lands are hereby notified that they are required by law to appear within four weeks and make defense of said suit, or the same will be taken as confessed, and final judgment will be entered directing the sale of said lands for the purpose of collecting said taxes, together with interest, penalty and costs allowed by law. Such suits shall stand for trial at the first term of court after the complaint shall have been filed, if said four weeks shall expire either before the first day of the term or during the term of court to which said suits are brought respectively, unless a continuance be granted for good cause shown, within the discretion of the court, and such continuance, for good cause shown, may be granted as to a part of said lands or defendants without affecting the duty of the court to dispose finally of the others as to whom no continuance may be granted; and in all cases where notice has been properly given as aforesaid, and where no answer has been filed, or if filed, and the cause decided for the plaintiff, the court by its decree shall grant the relief as prayed for in the complaint, and shall direct the sale of such lands described in the complaint at the courthouse door of the county wherein the decree is entered at public outcry to the highest and best bidder for cash in hand, after having first advertised such sales (such advertisement may include all the land included in the decree) weekly for two weeks, consecu-

tively, (two insertions) in some newspaper published in the county, if there be one, and if no newspaper, then that such advertisement be published in some newspaper in an adjoining county, and if all the lands are not sold on the day as advertised, such sale shall continue from day to day until completed; and the Register shall by proper deeds convey to the purchaser the lands so sold, and the title to said lands shall thereupon become vested in such purchaser as against all others whomsoever, subject only to the right of the owner of said land to redeem same within two years from the date of said sale, on payment of the amount paid by the purchaser of said land with legal interest thereon to the date of redemption, and also the further sum equal to ten percentum of the amount so paid by the purchaser of said land. The purchaser of any land at such sale shall be entitled to the possession of such land immediately upon the delivery to him of the deed thereof provided that if such land, being agricultural land, shall have been leased by the owner and the tenant shall have planted a crop thereon prior to such sale, such tenant shall have the right to till and gather his crop. The receiver may proceed by suit as aforesaid against any such delinquent lands before the sale thereof by the collector, or after such sale but for which no purchaser was found; and it shall be the duty of such receiver to deliver to the collector a copy of the complaint against such delinquent lands, and such lands shall thereafter not be offered for sale by the collector, until such delinquent lands shall have been sold under the foreclosure herein provided for or the judgment against the same otherwise satisfied or the foreclosure suit against such lands otherwise finally disposed of; and it shall be the duty of such receiver, as such land is sold or judgment against the same otherwise satisfied, to furnish the collector with a list of such lands, and the collector shall then record the satisfaction of such tax in the Drainage Tax Book for the proper year. Provided, that it shall be the duty of the collector thereafter to sell any such lands at the time and in the manner provided by this act for delinquent drainage taxes for any year subsequent to the taxes for which judgment was rendered against such lands. Provided further that the sale of any lands for drainage taxes under this Act shall only discharge such lands from the lien of the taxes for which judgment was rendered or the sale made.

Section 32. Bonds in behalf of the district for the safe-keeping of funds and faithful performance of their respective duties and obligations shall be given by each of the commissioners, the engineer, the attorney, the secretary, the treasurer, and all other persons who may handle funds of the district, and by such persons, firms or corporation having contracts with the district as the commissioners may require. The amount of the bonds and

the sureties of the commissioners shall be subject to the approval of the Court of Probate. The amount of bonds and the sureties of the treasurer, the attorney, the secretary, the engineer and the contractors shall be subject to the approval of the Board of Drainage Commissioners. All bonds of district officials shall be placed with the Court of Probate and the bonds of contractors with the secretary of the district. The amount of the bond of any person who handles district funds, or of a collector of district taxes, shall be determined by the Board of Drainage Commissioners. Sureties on such bonds may be individual or corporations and the fees for all bonds required of officers and of other persons handling funds of the district shall be paid by the district as part of administration expense.

Section 33. The Board of Drainage Commissioners may secure and use men, equipment and materials under the supervision of the district engineer to construct, excavate and complete all or any of the works and improvements which may be needed to carry out the Plan of Drainage, or it may in its discretion let contracts therefor, either as a whole or in part. The Board of Commissioners shall fix the time and place of letting contracts for the construction of the improvements, and cause notice thereof containing a description of the work to be let, to be made by publication in three consecutive issues of some weekly newspaper (if such there be) of general circulation published in the county in which the district is organized, and by at least one insertion in some contractor's or trade journal, and by such additional publication elsewhere as the Board of Drainage Commissioners may deem expedient, the last insertion to be at least (10) days before the day of the letting. On the date appointed for the letting the Board of Drainage Commissioners together with the district engineer shall convene and let the proposed work either in whole or in sections, as they may deem most advantageous for the district. They shall have the right to reject any and all bids and to readvertise the work if in their judgment the interests of the district will be subserved by so doing. The successful bidder shall be required to enter into contract with the Board of Commissioners and to execute a bond for the faithful performance of such contract, with sufficient sureties in favor of the drainage district in an amount not less than twenty-five (25) per centum of the estimated cost of the work awarded to him. The contract shall be based on the plans and specifications submitted by the engineer in his final report as adopted by the Board of Drainage Commissioners, the original of which shall remain on file in the office of the Court of Probate, and shall be open to inspection by all prospective bidders. All bids shall be submitted sealed and shall not be opened except under the authority of the Board of Drainage Commissioners

and on the day and at the hour therefor appointed for opening the bids.

Section 34. The district engineer shall have charge of the construction of the Plan of Drainage. He shall make monthly estimates of the amount of work done, and shall furnish one copy to the contractor and file the other with the Secretary of the Board of Commissioners; and the commissioners shall, within five (5) days after the filing of such estimates, meet and direct the secretary to draw a warrant in favor of such contractor for not more than ninety (90) per cent of the work done according to the specifications and contract; and upon the presentation of such warrant, properly signed by the president and secretary, to the treasurer of the district he shall pay the amount due thereon. When the work is fully completed and accepted by the district engineer he shall make an estimate for the whole amount due, including the amounts withheld on previous monthly estimates which shall be paid from the drainage fund as herein provided.

Section 35. If any contractor to whom said work shall have been let shall fail to perform the same according to the terms specified in his contract, the Board of Drainage Commissioners may declare the contract forfeited and shall relet the work proceeding as in the case of the first instance. The district shall have a right of action against the contractor and the sureties on his bond for the amount of damage sustained by it.

Section 36. In the construction of the work the contractor shall have the right to enter upon the lands necessary for this purpose, and the right to remove private or public bridges or fences and to cross private lands in going to or from the work. In case the right-of-way of the improvement is through timber, the owner thereof shall have the right to remove it, if he so desires, before the work of construction begins.

Section 37. Where any public ditch, drain or watercourse established under the provisions of this Act crosses a public highway at the intersection of such highway with a natural watercourse or swale through which water flows during period of high water, the cost of bridges, or of repairing or enlarging existing bridges and culverts, or of constructing new ones, shall be borne by the county in which such bridges are located or by such other authority as is required by law to maintain such highway so intersected; and such bridges or culverts shall thereafter be maintained by such county or other authorities. Where any public ditch, drain or watercourse established under the provisions of this Act crosses a public highway at a point where such highway does not intersect a natural watercourse or swale, the cost of constructing the new bridge required shall be borne by the drainage district and such bridge or culvert shall thereaf-

ter be maintained by and at the expense of the county or such other authority required by law to maintain such highway so intersected.

Section 38. After a district has let a contract for work which crosses a railway right-of-way and the actual construction is commenced, the engineer in charge of construction shall notify the railroad company of the probable time at which the contractor will be ready to enter upon the right-of-way of said road and construct the work thereon. It shall be the duty of said railroad to send a representative to view the ground with the engineer and arrange the exact time at which such work can be most conveniently done. At the time agreed upon the said railroad company shall remove its rails, ties, stringers and such other obstructions as may be necessary to permit the excavation of the channel across its right-of-way. The work shall be so planned and conducted as to interfere in the least possible manner with the business of the said railroad. In case the railroad company refuses and fails to remove its track or tracks so as to permit the construction of work on its right-of-way and the passage of the necessary equipment of the contractor, it shall be held as delaying the construction of the improvement, and such company shall be liable to a penalty of \$100 per day for each day of delay to be collected by the Board of Drainage Commissioners for the benefit of the drainage district as in the case of other penalties. Such penalty may be recovered in any Court of Competent jurisdiction, and shall inure to the benefit of the drainage district. Within thirty (30) days after work is completed an itemized bill for the actual expenses incurred by the railroad company for opening its tracks shall be made and presented to the engineer of the drainage district. Such bill, however, shall not include the cost of constructing a new bridge or of strengthening or enlarging an old one, except as herein provided. The engineer shall audit this bill, and if found correct approve the same and file it with the secretary of the Board of Drainage Commissioners who shall reimburse the said railroad company for such expense.

Section 39. Whenever any improvement constructed under this Act is completed, it shall be under the control and supervision of the Board of Drainage Commissioners. It shall be the duty of said Board to maintain the levees, ditches, drains, watercourses, and any other improvements, in good repair, and for this purpose the Board of Drainage Commissioners may annually levy a tax on the lands benefited by the construction of such improvement in the same manner as other drainage taxes are levied, not to exceed ten (10) per cent of the assessed benefits in any one year, and the fund that is collected shall be used for repairing and maintaining the ditches, drains, watercourses

and other improvements in perfect order; provided however, that if any repairs are made necessary by the act of negligence of the owner of any land through which such improvement is constructed, or by the act or negligence of his agent, tenant or employee, or if the same is caused by the cattle, hogs, or other live stock of said owner, tenant, employee, or agent, then the cost thereof shall be assessed and levied against the lands of the owner alone, to be collected by proper suit instituted by the Drainage Commissioners; provided, further, that when it shall become necessary to repair any bridge or construct a new bridge across any railroad by reason of enlarging any watercourse or of excavating any canal intersection, or by reason of wear and tear and natural deterioration of such bridge or structure, such repairs, maintenance and improvements shall be made at the expense of the said railroad. It shall be unlawful for any person to injure or damage or obstruct any improvements constructed under the provisions of this Act, or to build any bridge, fence or flood gate across any levee, ditch, drain or watercourse, or any other improvements constructed under the provisions of this Act, without securing the prior written consent of the Board of Drainage Commissioners, and any person causing any injury, damage or obstruction, or building any bridge, fence or flood-gate without the consent of the Board of Drainage Commissioners shall be deemed guilty of a misdemeanor, and upon conviction thereof may be fined not less than fifty (\$50.00) dollars nor more than one thousand (\$1,000) dollars, in the discretion of the court.

Section 40. The owner of any land that has been assessed for the cost of the construction of any ditch, drain, watercourse, or other improvement as herein provided shall have the right to use the ditch, drain, or watercourse as an outlet for lateral drains from said lands; and if said land is separated from the ditch, drain, watercourse, or other drainage improvement by the land of another or others, and the owner thereof shall be unable to agree with said other or others as to the terms and conditions on which he may enter their lands and construct said drain or ditch, he may petition to condemn the same and the same proceeding shall be had as in cases of condemnation for public uses as provided by Article 1 of Chapter 286 of the Code of 1923, embracing sections 7476 to and including 7533. When the drain is constructed it shall become a part of the drainage system and shall be under the control of the Board of Drainage Commissioners and be kept in repair by the Board as herein provided.

Section 41. The Board of Drainage Commissioners may petition the court and upon a proper showing the Court shall correct errors or omissions that may have occurred in any pro-

ceedings or decrees in relation to any district organized under this Act; provided, that notice by publication as herein provided shall be given to any person whose lands are affected by such proposed correction, and that no other person or property shall be affected by such proceeding.

Section 42. Any body of land however large contiguous or adjacent to a drainage district organized under this Act may be annexed thereto and made a part thereof, the same as if originally included therein, upon the petition of one-third or more of the land owners owning fifty per cent or more in acreage of the real property to be annexed, or upon the petition of one-half or more of the owners of the real property to be annexed owning more than one-third of the area to be annexed. Such petition and all the proceedings relative thereto shall conform as nearly as may be with the provisions of this Act for the filing of the petition for the organization of a Drainage District, and shall be filed with the Court of Probate having jurisdiction over the district to which annexation is sought. Upon filing of such petition the Court shall direct the Board of Drainage Commissioners of said district to cause surveys and a report to be made by the district engineer as to whether or not the purposes of the petition for annexation can be accomplished, and in what manner the works and property of the existing district would be affected, and to file the report of the engineer together with the recommendations of the Board of Drainage Commissioners thereon, with the Court of Probate. Upon the filing of the report by the Board of Drainage Commissioners, notice shall be given by the Court of Probate for a hearing in the same manner as is provided in this Act for notice upon the hearing of a petition for the organization of a district. Upon such hearing, if the Court shall find that it will be for the public health convenience, or welfare to annex said lands and to carry out the purposes of the petition, it shall so order and thereafter the land so annexed shall be considered and made a part of said district and the Board of Drainage Commissioners shall provide for the drainage of the annexed lands by the improvements contemplated in the Plan of Drainage or amendments thereto; provided, that if at this hearing objections to the proposed annexations shall be made by the owners of land, either within the original boundaries of district or within the tract proposed to be annexed, representing respectively one-third of the land-owners owning a majority of the acres, or a majority of the owners owning one-third of the acres it shall be the duty of the Court to dismiss the petition for annexation and to levy an acre tax upon the lands described in the petition for annexation to reimburse the Board of Drainage Commissioners of said district for all expenses in-

curred in connection with the proceedings therefor. Such taxes when collected shall be delivered to the Board of Drainage Commissioners of said district.

Section 43. The organization of any district, or sub-district, under the provisions of this Act shall not be construed to prevent inclusion of a whole or any part of the lands of any such district in another district and the taxing of such land to whatever extent the Plan of Reclamation may benefit such lands; provided that due credit shall be given in the adjustment of benefits and damages for the benefits received from any existing works which may form a part of the Plan of Reclamation of such other district.

Section 44. Whenever it may be desirable to construct, widen, deepen, straighten, or otherwise change any ditch, drain, watercourse or levee lying on or along, across or near the boundary line between the State of Alabama and an adjoining State, or whatever it may be desirable to construct, repair or improve any work of drainage as provided for in this Act, which ditch, drain, watercourse or other work of drainage cannot be constructed, repaired or improved in the best manner without affecting lands in such adjoining State, the Board of Drainage Commissioners of the district in which such work is located shall have authority to join with the proper officers of such adjacent county or counties or districts of other states in the construction, widening, deepening, straightening, repairing or improving of any such drain, ditch, watercourse, or other work of drainage. Such drainage commissioners of any district of this State are hereby given power jointly to enter into contracts with the proper officers of such county or counties or districts in adjoining States to construct, repair or improve any such work of drainage, each to pay such proportion of costs and expenses of the work as the contracting officials shall deem just. Such work of drainage shall be made on petition, as provided for in this Act in relation to other works of drainage, and all other provisions of this Act, as far as applicable shall govern the drainage commissioners and other officers of this State in relation to such joint work or drainage.

Section 45. The board of Drainage Commissioners shall have the right and authority to enter into contracts or other agreements with the United States Government or any department thereof, with persons, with railroads or other corporations, with public corporations, with the State Government of this or other States, and with drainage, conservation or other improvement districts in this or other States; for co-operating or assisting in constructing, maintaining, using, and operating the works of the district, or for making surveys and investigation, or reports thereon, and may purchase, lease, or acquire land or

other property in adjoining States in order to secure outlets, or for other purposes of this Act, and may let contracts for securing such outlets or other works in adjoining States as may be necessary to carry out the provisions of this Act.

Section 46. On or before the first day of August each year the Board of Drainage Commissioners of any district organized under this Act shall have the accounts of the district audited and they shall file with the Court of Probate having jurisdiction thereof, the auditor's report showing the receipts and disbursements of the district for the preceding calendar year ending June 30. As well as their statement, the character of the work accomplished during such year and a general statement of the plans and purposes of the Board of Drainage Commissioners for the succeeding year. The Commissioners shall give notice by publication herein provided that the Auditor's report and the annual report of the Board of Drainage Commissioners is on file with the Court and that the Board of Drainage Commissioners will hold their annual meeting in the office of the Court of Probate on the second Saturday in September to consider any business which may come before the Board in behalf of the district, or any questions which any land owners may desire to present to the Board of Drainage Commissioners.

Section 47. All petitions provided for under this Act may be signed by women, whether married or single, provided they own land in the proposed district; guardians may sign for their wards, trustees, executors, and administrators may sign for the estates represented by them, and if the signature of any corporation is attested by its corporate seal, the same shall be sufficient evidence of the assent of the corporation.

Section 48. Notice by publication wherever referred to in this Act, unless otherwise specified, shall consist of publication once in each of three consecutive weeks (three insertions) in some paper having general circulation in the county or counties wherein the land in the drainage district is located, the last insertion to be made at least fifteen (15) days prior to the date fixed for the hearing of said notice, and it shall not be necessary that the publication shall be made on the same day in each of the three weeks; but not less than fourteen days (14) excluding the day of the first publication, shall intervene between the first publication and the last publication, and publication shall be deemed complete on the date of the last publication. When a district includes lands in two or more counties, such notice shall be published in each County and it will be sufficient to set out only the lands in the county in which the notice is published. If there be no newspaper published in a county in which the lands included within a drainage district are situated, then such publication shall be made in a newspaper published in an adjoining

county. It shall not be necessary for a notice to name the parties interested and said notice shall have all the force and effect of a summons served personally on those owning lands within the district. The term "court" wherever it appears in this Act, and unless some other Court is specifically designated, shall be construed to mean Court of Probate. The terms "Board of Drainage Commissioners" or "Board of Commissioners" wherever it appears in this Act shall be construed to refer to the Board of Drainage Commissioners. The term "Viewers" wherever it appears in this Act shall be construed to refer to the Board of Viewers. The term "person" wherever it appears in this Act shall be construed to mean any individual, partnership, stock company or corporation. The term "District" wherever it appears in this Act shall be construed to refer to Drainage District. The term "swamp and overflowed lands", as used in this Act shall not be construed to apply alone to the present classification of lands under the laws of this State, but said term shall extend to and include all lands that need drainage or protection from overflow, regardless of former classification.

Section 49. Each member of the Board of Drainage Commissioners and each member of the Board of Viewers, shall receive as compensation for their services five (\$5) dollars per diem when actually employed, and shall be reimbursed for actual reasonable transportation and living expenses when so engaged away from their homes; provided, that the Secretary of the Board of Drainage Commissioners shall be entitled to such compensation for the secretarial work as may be agreed upon by the Board of Drainage Commissioners. Any attorney, engineer or assistant engineer, or assistants employed under the provisions of this Act shall receive such compensation for his or their services as shall be fixed and determined upon by the Court of Probate, together with reimbursement for all necessary expenses, until the Board of Drainage Commissioners is appointed which shall then assume jurisdiction of these matters. The compensation of the treasurer of the district and of all other assistants and employees shall be determined by the Board of Drainage Commissioners. Such expenses shall be paid by order of the Board of Drainage Commissioners out of the Drainage fund provided for that purpose, and the Board of Drainage Commissioners shall issue warrants therefor in payment thereof.

Section 50. Any warrant issued under this act that is not paid when presented to the treasurer of the District because of lack of funds in the treasury shall be endorsed on the back of said warrant "not paid for lack of funds." Such warrant shall draw interest thereafter at the rate of 6 per cent per annum until such time as there is money in hand to pay the amount of

such warrant and the interest then accumulated. The treasurer shall list such warrants in order in which they are presented and reserve the funds that may be collected for the payment thereof to be applied to the retirement of the warrants in such order. No such warrant shall draw interest after the time when sufficient funds are in the hands of the treasurer to pay such indorsed warrants and interest.

Section 51. The Board of Drainage Commissioners shall elect some competent person, corporation or partnership as district treasurer, whose duty it shall be to receive all moneys derived from tax collections, the sale of bonds, or from any other source, and to disburse the same in accordance with the provisions of this Act. The Secretary shall also be eligible for the office of Treasurer. The said Treasurer shall be required before entering upon the discharge of his duties, to give bond in such amount as shall be fixed by the Board of Drainage Commissioners, payable to the drainage district, conditioned that he will well and truly account for and pay out as provided by law all moneys received by him from whatever source, which bond shall be signed by at least two sureties, approved and accepted by said Board of Drainage Commissioners. Said Treasurer shall keep all funds received by him from any source whatever deposited at all times in some banking institutions to be designated by the Board of Drainage Commissioners; provided that if it shall be deemed more expedient to the Board of Drainage Commissioners as to money derived from the sale of bonds issued, said Board may by resolution select some suitable bank or banks or other depository as temporary treasurer or treasurers to hold and disburse said moneys on the orders of the Board of Drainage Commissioners as the work progresses, until such fund is exhausted or transferred to the district treasurer by order of the said Board of Drainage Commissioners.

Section 52. For the purpose of carrying out the provisions of this Act, to assist in the keeping of the tax books, the collection of taxes, the remitting of funds to pay maturing bonds and coupons, and to be of such other service in the general management of the affairs of the district as may be determined, the Board of Drainage Commissioners shall have authority to appoint a fiscal agent and to define the duties and fix the compensation of said fiscal agent.

Section 53. The provisions of this Act shall be liberally construed to promote the leveeing, ditching, draining and reclamation of wet and overflowed lands. The collection of the assessment shall not be defeated, when the proper notices have been given, by reason of any defect in the proceedings occurring prior to the order of the court confirming the final report of the viewers; but such order or orders shall be conclusive and

final that all prior proceedings were regular and according to law, unless they were appealed from. If on appeal the court shall deem it just and proper to release any person or to modify his assessment or liability, it shall in no manner affect the rights and legality of any person other than the appellant and the failure to appeal from the order of the Court within the time specified shall be a waiver of any illegality in the proceedings, and the remedies provided for in this Act shall exclude all other remedies.

Section 54. Any district organized under this Act may be dissolved by the Court of Probate having jurisdiction thereof whenever it shall appear to said court that the works thereof need no further care for maintenance to preserve their efficiency and usefulness; that the maintenance of the works be not further conducive to the public health, convenience, or welfare, and that all obligations of such district have been liquidated and fulfilled; provided, that the Court shall not consider the dissolution of any district except upon the petition of two-thirds of the owners of real property owning not less than two-thirds of the area taxed. Upon filing of such petition the same notice shall be served and the same opportunity shall be given for objections to the dissolution of the district as are herein provided upon the filing of a petition for the organization of a district.

Section 55. All laws and parts of laws, general or special, in conflict with this Act are hereby repealed in so far as the same affect the operation of this Act.

Section 56. If any sentence, clause, or section of this Act shall be held unconstitutional this shall not affect any other Section of this Act, it being the intention of the Legislature in enacting this Act to enact each Section separately.

Section 58. This Act shall be in effect from and after the date of its approval.

Approved July 21, 1927.

No. 157)

AN ACT

(S. 113 Fred Fite

To amend Section 8588 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 8588 of the Code of Alabama be and the same is hereby amended so as to read as follows: In counties having more than two hundred thousand population according to the last or any subsequent Federal census, the jury commission in any such county shall have authority to employ such clerical assistance as such commission deems necessary and proper, and may expend for such clerical assistance in compen-

sation and in paying their reasonable and necessary expenses in performing the duties of their employment a sum not to exceed four hundred and fifty dollars (\$450.00) per month to be paid out of the County Treasury upon the order of the President of the jury commission; in counties having more than seventy-five thousand and less than two hundred thousand according to the last or any subsequent Federal census; the commission shall employ a clerk who shall hold no other office during the term of his employment, he shall be paid for his services rendered under the direction of the Commission, the sum of five dollars (\$5.00) per day while actually engaged in performing his duty, to be paid out of the County Treasury upon the order of the President of the Commission.

Approved July 21, 1927.

No. 163)

(H. 359.—Tunstall

AN ACT

In Reference to and to Further Provide for the General Revenue of the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. Every person, firm, company, corporation or association engaged in any business, vocation, occupation, calling or profession herein enumerated, or who shall exercise any privilege hereinafter described for which a license or privilege tax is required, shall first procure a license, and shall pay for the same, or shall pay for the exercise of such privilege the amounts hereinafter provided and comply with all other provisions of this Act or any other act.

Section 2. In addition to all other taxes of every kind now imposed by law or otherwise imposed by this Act, there is hereby levied a license or privilege tax upon each person, firm or corporation engaged in the business of operating a railroad in the State of Alabama for the privilege of engaging in such business; said license tax or privilege tax shall be due and payable annually in advance on the first day of October of each year, and shall be in a sum equal to two and one-half ($2\frac{1}{2}$) per cent of the gross receipts of such railroad from all the intrastate business of such railroad within the State of Alabama during the preceding year; the gross intrastate earnings to be determined by the amount received from intrastate business and from business originating at points in Alabama destined to other points in Alabama, although carried through another State, said last named earnings to be apportioned on the basis of earning per mile carried. Pro-

vided, however, that this section shall not apply to what is commonly known and called street railways or to any independently owned and operated railroad whose gross receipts did not exceed three Hundred thousand dollars during the preceding year, or which is less than fifteen miles in length, when such railroad is not owned, operated or controlled directly or indirectly by any other railroad corporation, and if one line of railroad is owned, controlled or operated by another railroad company owning, operating or controlling railroad trackage within this State then the gross intrastate receipts and mileage during the preceding fiscal year of both or all of such lines shall be added together to determine whether any of such lines are within the exception:

2-A. In addition to all other taxes of every kind now imposed by law or otherwise imposed by this Act, there is hereby levied a license or privilege tax upon each person, firm, or corporation, engaged in the telegraph business in the State of Alabama for the privilege of engaging in such business; said license or privilege tax shall be due and payable annually in advance on the first day of October of each year, and shall be in a sum equal to two and one-half ($2\frac{1}{2}$) per cent of the gross receipts of such telegraph business from all the intrastate business within the State of Alabama during the preceding calendar year; the gross intrastate earnings shall be determined by the amount received from intrastate business and from messages originating at points in Alabama destined for delivery at other points in Alabama, although transmitted through another state, said last named earning to be apportioned on the basis of earning per mile transmitted.

2-B. In addition to all other taxes of every kind now imposed by law or otherwise imposed by this Act, there is hereby levied a license or privilege tax upon each person, firm or corporation, engaged in the telephone business in the State of Alabama for the privilege of engaging in such business; said license or privilege tax shall be due and payable annually in advance on the first day of October of each year, and shall be in a sum equal to two and one-half ($2\frac{1}{2}$) per cent of the total gross receipts over and above \$50,000.00 of such telephone company from all the intrastate business within the State of Alabama during the preceding calendar year; the gross intrastate earnings to be determined by the amount received from intrastate business and from messages originating at points in Alabama destined to other points in Alabama although transmitted through another State, said last named earnings to be apportioned on the basis of earnings per mile transmitted.

2-C. In addition to all other taxes of every kind now imposed by law or otherwise imposed by this Act, there is hereby levied a license or privilege tax upon each person, firm or corporation, engaged in the business of operating an express company in the State of Alabama for the privilege

of engaging in such business; said license or privilege tax shall be due and payable annually in advance on the first day of October of each year, and shall be in a sum equal to two and one-half ($2\frac{1}{2}$) per cent of the gross receipts of such express companies from all the intrastate business within the State of Alabama during the preceding calendar year. 2-D. In addition to all other taxes of every kind now imposed by law or otherwise imposed by this Act, there is hereby levied a license or privilege tax upon each person, firm, corporation, agent or officer, engaged in the business of manufacturing and selling hydro-electric power in the State of Alabama for the privilege of engaging in such business; said license or privilege tax shall be due and payable in advance on the first day of October of each year, and shall be in a sum equal to Two-Fifths of a Mill ($\frac{2}{5}$) upon each kilowatt hour of hydro-electric power manufactured and sold during the preceding calendar year: 2E. Every person, firm, corporation, co-partnership, joint stock company or association of persons engaged in the business of operating a coal mine in the State of Alabama shall pay to the State a license or privilege tax, by the twentieth of each month, for the privilege of operating such mines during the current month in which such payment is due, an amount equal to 2 1-2 cents per ton on all coal mined during the preceding month in which said mine is operated, according to the run of the mine, whether such mine be an open mine or an underground mine; but no such tax shall be paid to any county in the State. Railroad weights shall govern in determining the amount of coal mined, if said coal is loaded on railroad cars. That Schedule Sixty-six (66) of Section 361 of Acts 1919, Page 282, be and the same is hereby repealed: 2-F. Every person, firm, corporation, co-partnership, joint stock company or association engaged in the business of mining iron ore or operating an iron ore mine in the State of Alabama shall pay to the State of Alabama a license or privilege tax, by the twentieth of each month, for the privilege of operating said iron ore mine during the current month in which such payment is due, an amount equal to 4 1-2 cents per ton on all iron ore mined during the last preceding month in which said mine was operated according to the run of the mine, whether such mine be an open mine or an underground mine, but no such tax shall be paid to any county in this State. Railroad weights shall govern where said iron ore is loaded on railroad cars, in determining the amount of iron ore mined. Schedule 67 of Section 361 of Acts 1919, page 282 is hereby expressly repealed: 2-G: Every person, firm, corporation, partnership, joint stock company or association engaged in the business of operating a mine, a quarry, sand and gravel pits, slag pile or slag pits for the mining or quarrying of slag, minerals or mineral products, except, however, coal and iron ore, in this

State shall pay to the State Treasurer for the use of the State a license or privilege tax for the privilege of operating such mine, quarry or pit in an amount equal to three (3) per cent of the net value at the mine, quarry, or pit of the products taken therefrom, whether such mine, quarry or pit be an open or underground mine, quarry or pit. In arriving at said net value, all costs of mining, quarrying, loading and preparation for market shall be deducted and in no event shall said privilege license tax exceed in amount a reasonable royalty on such products. This privilege or license tax must be paid by the 20th day of each month for the privilege of operating such mine, quarry or pit during the current month in which such payment is due, provided, however, that no county in the State shall levy this character of tax. Railroad weights shall govern in determining the amount where said products are loaded in railway cars. 2-H. Any person, firm, corporation, copartnership, joint stock company or association, who engages in the business of operating cars usually termed sleeping, palace, parlor, chair, buffet, cars or by whatever name called shall be deemed to be a sleeping car company or association engaged in the business of operating or running sleeping cars (except railroads operating their own sleeping cars and diners) and doing business in the State of Alabama shall pay in advance on the first day of January of each year to the State of Alabama a license or privilege tax in the sum of Twenty thousand (\$20,000.00) Dollars. All laws and parts of laws in conflict with the provisions of this section are hereby expressly repealed: 2-J. Every person, firm, company, corporation or association of persons, who sells cigars, cigarettes, cheroots, or any substitute therefor, within the State of Alabama, shall pay to the State for State purposes only, a license or privilege tax of an amount equal to fifteen per cent (15%) of the wholesale sales price of such cigars, cigarettes, cheroots, or any substitute therefor sold within this State; provided that if any person, firm, corporation or association of persons shall include in any sale of goods, wares or merchandise, any cigars, cigarettes, cheroots, or any substitute therefor enumerated herein, or shall give with the purchase of any goods, wares or merchandise any cigars, cigarettes, cheroots, or any substitute therefor enumerated herein, there shall be paid as a license or privilege tax hereunder an amount equal to fifteen per cent of the amount for which such goods, wares or merchandise is sold. (a) The payment of the tax as imposed by this section shall be based on the wholesale selling price of the articles enumerated herein, and only one sale made of the same article within the State shall be used in computing the amount of the tax due. (b) Where the wholesale price or selling price is referred to in this section as the basis for computing the amount of tax required to be paid on any of the articles named herein, it is

intended to mean the wholesale selling price of the article before adding the amount of the tax. (c) The State Tax Commission of the State of Alabama shall administer the provisions of this section and shall enforce the payment of the tax imposed herein. (d) All payments of the taxes herein imposed shall be made to the State Tax Commission of Alabama, at Montgomery, Alabama, with check or draft made payable to the State Treasurer of Alabama which payments shall be made on or before the tenth day of each month for the taxes due under the provisions of this section for selling or otherwise disposing of any cigars, cigarettes, cheroots, or any substitute therefor, during the next preceding month. Provided the wholesale dealer may make reports and payment of the tax quarterly, instead of monthly. Provided however that the State Tax Commission may credit the final annual report of any wholesale dealer with the licenses paid on uncollectible sales made by said dealer and upon which the license was paid. (e) All persons, firms, corporations or association of persons who shall sell or otherwise dispose of cigars, cigarettes, cheroots, or any substitute therefor, shall keep and preserve for three years all invoices of cigars, cigarettes, cheroots, or any substitute therefor, bought by them and shall permit the State Tax Commission or its authorized agent or representative to inspect and examine all taxable merchandise, invoices, books, papers, and memoranda as may be deemed necessary by the State Tax Commission or its authorized agent or representative in ascertaining whether the tax levied herein has been paid, or to determine the amount of such tax as may be due. All such persons, firms or corporations selling or otherwise disposing of cigars, cigarettes, cheroots, or any substitute therefor as enumerated herein at wholesale shall keep a record of all sales made within this State, showing the name of the purchaser, the date of sale and the address of the purchaser. Any person, firm or corporation or association of persons required to pay taxes levied herein, who fails to make and preserve said invoices for a period of three years, or refuses to permit the inspection and examination of taxable merchandise, invoices, books, papers and memoranda at the request of the State Tax Commission or its duly authorized agent or representative, shall be deemed a violator of the provisions of this section and shall be fined or imprisoned, as set out in subsection (f) of this section. (f) Any such person, firm or corporation, or association of persons, as defined in this section, who shall fail or refuse to permit the State Tax Commission or its duly authorized agent or representative to examine and inspect the taxable stocks of merchandise, invoices, books, papers and memoranda deemed necessary to secure the information directly concerned in the enforcement of this section, shall suffer a penalty of twenty dollars (\$20.00) for the first offense;

fifty (\$50.00) for the second offense; one hundred dollars (\$100.00) for each offense thereafter; the said penalties to be collected by civil process as hereinafter provided. Any person who refuses to make the tax return hereinafter provided for, or who makes any false or fraudulent return or statement in any return, with the intent to defraud the State or to evade the payment of the tax, or any part thereof imposed by this section; or if the president or any other officer of any corporation or company makes or permits to be made for any corporation or association any false return or any false statement in any return required in this section, with the intent to evade the payment of any tax hereunder, shall be deemed a violator of this section and shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than one thousand dollars (\$1,000) or imprisoned not exceeding one year in the county jail, or punished by both fine and imprisonment, at the discretion of the court, within the limitations aforesaid. In addition to the foregoing penalties, any person who shall knowingly swear to or verify any false or fraudulent return, or any return containing any false or fraudulent statement, with the intent to defraud the State or to evade the payment of the tax imposed herein, shall be guilty of perjury and on conviction thereof shall be punished in the manner provided by law. Any company for which a false return or a return containing a false statement as aforesaid shall be made, shall be guilty of a misdemeanor and may be punished by a fine of not more than one thousand dollars (\$1,000). The Circuit and Criminal Courts of the county in which the offender resides, or if a corporation, in which it carries on business shall have concurrent jurisdiction to enforce this section. In addition to the penalties herein provided the license inspector of the county wherein the delinquent dealer does business shall be entitled to receive the same fees to be paid in the same manner as is provided by law for other delinquent licenses. (g) The State Tax Commission shall prescribe and have printed blank forms to be known as "cigars, cigarettes, cheroots, or any substitute therefor return." Such forms shall be prepared with a view of obtaining from persons engaged in selling or otherwise disposing of cigars, cigarettes, cheroots, or any substitute therefor, such information as may, by the State Tax Commission be deemed necessary for the collection of the taxes imposed herein. The distribution of the tax return blanks shall be made through such agencies as may be deemed most expedient by the State Tax Commission. (h) Every person, firm, corporation or association of persons who sells or deals in cigars, cigarettes, cheroots, or any substitute therefor as defined herein, within the State of Alabama, or who gives away or includes any such cigars, cigarettes, cheroots, or any substitute therefor in the sale of any goods,

wares or merchandise for the purpose of evading, or with the intent to evade the payment of the tax imposed by this section, shall, when such cigars, cigarettes, cheroots, or any substitute therefor, are sold to retail merchants or other persons for resale within the State of Alabama, make and deliver to the persons to whom any such cigars, cigarettes, cheroots, or any substitute therefor, are sold or delivered, an invoice or bill showing the price for which such articles are sold and shall also enter on said invoice or bill the amount of tax required to be paid to the State of Alabama under provisions of the section, and if the tax has been paid, it shall be so stated or entered on such invoice bill, or if the person making the sale or delivery of any cigars, cigarettes, cheroots, or any substitute therefor herein defined, elects to assume the payment to the State of the tax required by this section, it shall be so certified to on such invoice or bill. It shall be a violation of this section to enter on any invoice or bill any false statement, made with the intent to evade the payment to the State of the tax imposed under this section. Any person making such false statement or entry on any invoice or bill of cigars, cigarettes, cheroots, or any substitute therefor, shall be guilty of a misdemeanor, and on conviction therefor, shall be punished by fine or imprisonment, or both, as set out in subsection (f) of this section. (i) Persons, firms, corporations or associations of persons, who sell or deal in cigars, cigarettes, cheroots, or any substitute therefor within this State, shall not be required to make out and file with the State Tax Commission a report covering the sales of any cigars, cigarettes, cheroots, or any substitute therefor defined herein, that have been purchased or obtained from any dealer in such article, whose place of business is located within the State of Alabama, when entry or statement has been made on the invoice or bill for such articles that the tax herein imposed has been paid, or that such tax is assumed by the person or dealer whose business is located in the State of Alabama. Provided that any person, firm, corporation or association of persons whose place of business is located outside the State of Alabama and from which place of business any cigars, cigarettes, cheroots, or any substitute therefor are shipped to purchasers within this State, may file with the State Tax Commission of Alabama a bond in the sum of ten thousand dollars (\$10,000) to secure to the State the payment of the tax imposed by this section and which tax is assumed by said person, firm, corporation or association of persons located outside of the State. Persons, firms, corporations or associations of persons, who ship cigars, cigarettes, cheroots, or any substitute therefor, from places outside the State to points within the State, shall, if they elect to assume the taxes imposed herein, comply with all provisions of this section. A report of sales included in any in-

voices or bills which have entered thereon a certificate of payment or assumption of the tax imposed by this section by such persons, firms, corporations or associations of persons located outside the State shall not be required. It is expressly provided hereby that the tax imposed herein shall not apply to interstate commerce, but shall apply to business done wholly within the State of Alabama. (j) The State Tax Commission shall have the power, and it shall be its duty to require any person, firm, corporation or association of persons engaged in the sale of cigars, cigarettes, cheroots, or any substitute therefor, as described herein, to furnish any information by it deemed necessary for the purpose of enforcing the payment of this tax. The State Tax Commission or its duly authorized agent or representative shall have power to enter upon the premises of any taxpayer required to pay taxes under the provisions of this section, and it shall be its duty to examine or cause to be examined any taxable stocks of merchandise, invoices, books, papers, or memoranda bearing upon the amount of taxes payable, and to secure other information directly concerned in the enforcement of this section. It shall have power to examine witnesses and administer oath thereto, and should such witnesses fail or refuse to appear and answer questions at the request of the State Tax Commission, and should any person, members of any firm, officers of corporation or corporations, or members of associations of persons required to pay taxes hereunder, refuse to allow the State Tax Commission or its duly authorized agents to examine taxable stocks of merchandise, or invoices, books, papers or memoranda above referred to, the State Tax Commission shall certify the facts and the names of the witnesses so failing and refusing to appear, and the names of the persons, firms, or member or members thereof, corporations or officers or managers or employees thereof, and associations of persons or members thereof, who refuse access to the taxable stocks or merchandise or invoices, books, papers and memoranda above referred to, to the Circuit Court having jurisdiction of the said party or parties and said court shall thereupon issue a summons to said witness, person, member or members of said firms, officer or manager or employee of such corporation, or association of persons or member thereof, to appear before the State Tax Commission or its duly authorized agent, at a place designated within the jurisdiction of the said court on a day to be fixed, to be continued as occasion may require, and give such evidence and open for such stocks of taxable merchandise, invoices, books, papers and memoranda as may be required for the purpose of ascertaining whether or not the required tax has been paid, or the amount of such tax which may be due under the provisions of this section and whenever it shall appear to the State Tax Commission that any such person,

firm, corporation or association of persons engaged in selling or otherwise disposing of cigars, cigarettes, cheroots, or any substitute therefor, as described in this section, has failed to pay the taxes due, as provided herein, the State Tax Commission shall compute the correct amount of tax due and so certify same as being the amount actually due and owing, and shall state in what way this section is violated and shall concurrently notify such person, firm, corporation or association of persons of such facts and in the event such person, firm, corporation or association of persons shall not, within five days after such notification, pay the amount of tax found to be due and owing, the State Tax Commission shall, in the name of the State, enter suit against such person, firm, corporation or association of persons for the amount due and owing, together with such penalties as are provided in this section, or for the amount of such penalties alone. Such suit shall be by rule to show cause within five days why payments should not be made and shall be tried by preference, and may be tried out of term time and in chambers. If the Court upon determining the issue upon said rule shall adjudge the defendant in said rule as being due and owing, the tax as alleged in said rule or any part thereof, or that the defendant has violated this section as alleged, in the same judgment the Court shall assess the penalty fixed in subsection (f) of this section, and the Court, at its discretion, may allow reasonable attorney's fees in said judgment. All such penalties as may be assessed in said judgments, together with such tax, shall be collected and deposited as a part of the tax. (k) The Tax imposed by this section shall become delinquent five days after the same becomes due, as provided in subsection (d) of this section. A penalty of twenty-five per cent of the amount of the tax herein imposed shall be added and collected as a part of the tax when said tax becomes delinquent. A penalty of five per cent per month for each month shall be assessed, added and collected from persons, firms, corporations, or associations of persons for failure to make such reports as are required herein. The License or privilege tax imposed by this section, and all penalties provided herein, shall, after approval by the State Tax Commission, as to the amount due, have full force and effect of a judgment on which execution may be issued by the State Tax Commission, directed to any sheriff in the State of Alabama, or such taxes as may be collected by civil process, as provided by law for the collection of other taxes due the State. (l) It shall be the duty of the State Tax Commission to report in detail all violations hereunder to the Circuit Solicitor having jurisdiction over such offenses, as soon as practicable and without unnecessary delay. The conviction and sentence for the violation of the provisions of this section or subdivision thereof, as herein provided, shall in no way interfere with the imposition

and collection of the civil penalties provided in sub-section (f) of this section. (m) The cost of the inspection, auditing duties, and printing of blank forms required herein shall be paid out of the money collected under this section. (n) If any clause, sentence, paragraph or part of this section shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this section, but shall be confined in its operation to the clause, sentence, paragraph or any part thereof involved in the controversy in which said judgment has been rendered. No County shall levy a privilege or license tax on any business or occupation on which a privilege or license tax is levied in this section or any sub-division thereof.

2-K. All Revenue collected under provisions of Section Two (2), 2-A, 2-B, 2-C, 2-D, 2-E, 2-F, 2-G, 2-H, 2-I, and 2-J of this Act shall be paid to the State Tax Commission of the State of Alabama by check or draft made payable to the State Treasurer and shall be set apart as a Trust Fund for educational purposes only, to be designated as the Alabama Special Educational Trust Fund, and shall be kept separate and apart from all other funds in the State Treasury, and shall be paid out by the Treasurer on lawful appropriations, hereafter made specially from such funds by the Legislature of Alabama for educational purposes. The provisions of this section shall go into effect on October 1, 1927.

Section 3. INSURANCE.—The term "insurance company", as used in this Act, shall include fire, life, benefit, accident, indemnity, fidelity, guaranty, employers' liability, casualty, plate glass, burglary, automobile, tornado, cyclone, mutual aid, or industrial companies or associations, or any other insurance company charging a premium for contracts entered into by such companies, but shall not include fraternal insurance companies which are not conducted for profit and insure members only, such as Masons, Odd Fellows, Knights of Pythias, and similar orders. No insurance company shall be admitted to or authorized to do business in this State until it shall file or deposit with the insurance commissioner a properly certified copy of its charter or articles of incorporation, and a sworn statement of its financial condition as sworn by the last annual statement, prepared in such form as has been determined upon by the then last Convention of Insurance Commissioners of the United States, such statement shall be published at the time of filing, without expense to the State, in a daily newspaper of general circulation published in the State of Alabama. At the time of filing the certified copy of the charter or articles of incorporation of such insurance company, together with the financial statement, the Insurance Commissioner shall collect from such company the sum of Two Hundred (\$200.00) Dollars as a filing fee, to be paid

into the State Treasury, and thereafter annually before the first day of March of each year a similar annual statement shall be filed by the insurance company with the Insurance Commissioner, and a like filing fee of Two Hundred (\$200.00) Dollars shall be collected for the use of the State of Alabama. No license or privilege tax shall be charged any insurance company by any county, nor by municipalities upon non-profit fire and casualty insurance companies or associations doing business by mail or through traveling solicitors or agents, and not maintaining local agents therein. (a) Every insurance company, except fraternal benefit associations, desiring to engage in business in this State, in addition to complying with the requirements of the preceding paragraph, shall within the first sixty days of the fiscal year, file with the Insurance Commissioner a statement which shall show that the insurance company has complied with all the requirements of the law to authorize it to do business in this State, and shall also show the total amount of premiums received by it for business done in this State for the preceding fiscal year ending December 31st, less return premiums, which statement shall be verified by the affidavit of an officer of the company having knowledge of the facts, and shall at the same time pay to the Insurance Commissioner the following amounts, that is to say:

(b) Each foreign fire or marine insurance company shall pay One and One-half (\$1.50) Dollars, on each One Hundred (\$100.00) Dollars, and every other foreign insurance company except foreign life insurance companies, shall pay Two (\$2.00) Dollars on each One Hundred, and foreign life insurance companies shall pay Two (\$2.00) Dollars on each One Hundred (\$100.00) Dollars of the gross premiums received by it or them for business done in this State, less return premiums, whether the same are actually received by said company in this State or elsewhere, during the year ending the 31st day of December preceding, as a tax or license for doing business in this State during the current year, provided, that any foreign insurance company entering the State shall, on or before March first, remit with their statement to the Commissioner of Insurance the taxes as required by the first of this section, on business written in Alabama for the preceding calendar year or fraction thereof, in which they entered. After the insurance company has been operating in this State for one complete calendar year they shall compute their business done in Alabama during said year, and upon this basis they shall pay their taxes for that and the succeeding year. Each succeeding year the tax shall be based and paid on business done in Alabama for the preceding calendar year, as set forth in this section. Domestic insurance companies shall pay to the Insurance Commissioner One (\$1.00) Dol-

lar on each One Hundred (\$100.00) Dollars of gross premiums, less return premiums received by it for business done in this State during the preceding fiscal year ending December 31st, as a tax for the current year, whether or not same are actually received in this State or elsewhere, and no credit or deduction of any kind shall be allowed on account of the cost of re-insurance taken by such company in a company not authorized to do business in this State, provided that such domestic company shall at the end of the first complete calendar year of its operations pay to the Commissioner of Insurance an amount equal to One (\$1.00) Dollar on each One Hundred (\$100.00) Dollars of gross premiums, less return premiums, as a tax for the first year of its operations in this State. The books of said company shall be accurately kept and shall show the date of receipt and number of policy, and character and amount of each premium so received by it for business done in this State and the name and address of each person from whom such premium was received. Said books shall always be open to the inspection of the Insurance Commissioner and the State Tax Commission. Any insurance company failing to file such statement with the Insurance Commissioner, or willfully failing to keep its books in substantial compliance with the provisions of this schedule, or refusing to allow an inspection of its books at any time by the Insurance Commissioner, shall be guilty of a misdemeanor and shall pay to the State, in addition to said taxes, the sum of Five Hundred (\$500.00) Dollars within sixty days from the date of notice from the Insurance Commissioner of such delinquency and shall be liable to a penalty of double the amount of such tax or license, and shall also be barred from transacting any business of insurance in this State until such taxes and penalties are fully paid. No officer or any board shall have power or authority to remit or compromise any portion of the penalties herein prescribed. After the year 1926 no license or privilege tax, or other charge for the privilege of doing business shall be imposed by any municipal corporation upon any fire or marine insurance company doing business in such municipality, except upon a percentage of each one hundred dollars of gross premiums, less return premiums, on policies issued during the preceding year on property located in such municipality; provided that such percentage shall not exceed Four (\$4.00) Dollars, and major fraction thereof, of such gross premiums; and no credit or deduction of any kind shall be allowed or made on account of the cost of re-insurance by such company in a company not authorized to do business in this State; provided, however, that any municipality may charge a flat minimum license at the beginning of each year for new companies doing business therein, on which there shall be an adjustment at the expiration of such year upon such percentage

as may be fixed by said municipality; and provided further that such percentage shall not exceed four percent of the gross premiums, less return premiums, collected by such companies on policies issued during the preceding year in such municipality. And in addition to said amount paid to the State, there may by ordinance be levied and collected by the several cities and towns of the State from every insurance company, other than fire and marine insurance companies, for the privilege of doing business within the limits of said cities and towns, a privilege or license tax, to be computed and based on the population of said cities and towns as fixed by the last Federal census, not exceeding the following scale, to-wit: (a) Each insurance company, in cities and towns having a population of five thousand or less, Ten (\$10.00) Dollars; and One (\$1.00) Dollar on each One Hundred (\$100.00) Dollars and major fraction thereof, of the gross premiums, less return premiums, received during the preceding year on policies issued during said year to citizens of said cities and towns. (b) Each such insurance company, in cities and towns having a population of five thousand and not over ten thousand, Fifteen (\$15.00) Dollars, and One (\$1.00) Dollar on each One Hundred (\$100.00) Dollars and major fraction thereof, on gross premiums, less return premiums, received during the preceding year on policies issued during said year to citizens of said towns and cities. (c) Each such insurance company, in cities and towns having a population of ten thousand and not exceeding fifty thousand, Twenty (\$20.00) Dollars, and One (\$1.00) Dollar on each One Hundred (\$100.00) Dollars and major fraction thereof, of gross premiums, less return premiums, received during the preceding year on policies issued during said year to citizens of said cities and towns. (d) Each such insurance company, in cities and towns having a population of more than fifty thousand, Fifty (\$50.00) Dollars, and One (\$1.00) Dollar on each One Hundred Dollars (\$100.00) and major fraction thereof, of gross premiums, less return premiums, received during the preceding year on policies issued during said year to citizens of said cities and towns. Upon the payment or tender of the amount named in such ordinance of any city or town, any such insurance company which is authorized to do business in this State shall be permitted to do business in said city or town, through its agents who shall not be subject to or required to pay further privilege or occupational tax for representing such company or soliciting business for it. On the 31st day of December of each year, or within sixty days thereafter, each insurance company which did any business in any city or town in this State during any part of the preceding year shall, if a license or privilege tax is imposed by said city or town on such insurance companies, furnish the Mayor or executive head of such city or town a statement in

writing duly certified, showing the full and true amount of gross premiums received during the preceding year, as provided under this Act, and shall accompany such statement with the amount of license tax due according to the foregoing section. Failure to furnish such statement or to pay such sum shall subject the company and its agents to such penalties as the ordinance of such city or town may prescribe for doing business therein without a license. Each foreign insurance company desiring to carry on a business in this State, and each domestic insurance company, shall at the time of filing its annual statement procure from the Insurance Commissioner a certificate or license for each agent or other representative of such company soliciting business in this State, showing that said company is authorized to do business, and that said agent or other representative is authorized to represent such company, and the commissioner shall collect for the use of the State for each certificate or license issued by him a fee of Four (\$4.00) Dollars, and for each official seal impressed on said certificate a fee of One (\$1.00) Dollar. To facilitate collection of premium taxes and fees for agents, all stock, fire, and casualty insurance companies doing business in this State shall issue all policies upon property or risks in this State through resident agents, duly licensed, who shall countersign all such policies. Each agent shall collect and retain the usual commission paid by the insurer except that not over one-half of such commission may be paid to a licensed non-resident agent or broker, and such agents shall keep a true record of all policies thus issued or countersigned, and shall, upon request, furnish a verified copy thereof to the commissioner to aid him in the collection of all premium taxes due in this State. For failure of any agent to comply with the provisions of this paragraph, the commissioner shall, for a first offense suspend the license of such agent for not exceeding six months, and for a second offense, revoke such license. Special resident or non-resident agents, non-resident brokers and resident solicitors must also be licensed but shall not issue or countersign fire or casualty insurance policies. Any person who may desire to place his insurance in foreign companies not authorized to do business in this State, may place such insurance, but the person placing such insurance shall at once make return of his action on this behalf to the Insurance Commissioner, together with four per cent of the gross premium paid on the insurance so placed; and it shall be lawful under such contracts of insurance for any person to adjust a loss under same. Any person failing to report such insurance placed by him in unauthorized companies and to make payment of the tax named within thirty days after date of receiving policy shall be required to pay a tax of eight per cent. An adjuster who directly or indirectly enters into an adjustment of

any loss before the tax referred to above has been paid, shall be subject to all the pains and penalties inflicted by the laws of this State upon agents for acting as agents of unlicensed insurance companies and in addition thereto such adjuster and insurance company or companies, represented by him shall be forever barred from adjusting losses or doing business in this State. Provided that in ascertaining the premium tax which shall be paid by domestic insurance companies under this section, there shall be deducted from the amount of premiums upon which taxes are due the aggregate amount of loans of money made by such companies in this State, and which shall be secured by existing mortgage or mortgages to it on real estate in this State, and upon which mortgages there shall have been paid the recording privilege tax provided by law.

Section 4. **ACTUARY, ACCOUNTANT.** Each professional actuary or public accountant, Twenty-five Dollars (\$25.00) to the State, but no license shall be paid to the county. If such business is conducted as a firm or as a corporation in which more than one person above named is engaged, each person so engaged shall pay a license of Twenty-five Dollars (\$25.00); provided, that only one-half of the said tax shall be collected from those whose receipts from the business or profession for the preceding year did not exceed One Thousand Dollars (\$1,000.00).

Section 5. **ADJUSTER.** Each adjuster of fire losses, Twenty-five (\$25.00) Dollars to the State, but no license shall be paid to the county. If such business is conducted as a firm or as a corporation in which more than one person above named is engaged, each person so engaged shall pay the license provided for above. The license paid in one county shall not be required to be paid in any other county in the State. Provided that this license tax shall not apply to any local insurance agent who adjusts fire losses for the insurance company which he regularly represents.

Section 6. **ARCHITECT.** Each architect shall pay to the State a license tax of Twenty-five Dollars (\$25.00), but no license shall be paid to the county. If such business is conducted as a firm or as a corporation in which more than one person above named is engaged, each person so engaged shall pay one-half of the amount provided above, provided that only one-half of the said tax shall be collected from those whose receipts from the business or profession for the preceding year did not exceed Three Thousand Dollars (\$3,000.00).

Section 7. **ATTORNEYS.**—Each Attorney engaged in the practice of law shall pay an annual license of Fifteen Dollars (\$15.00) to the State, but no license shall be paid to the county. If such business is conducted as a firm, or as a corporation in which more than one lawyer is engaged, each lawyer so engaged

shall pay a license; provided, that the license imposed by this section shall not apply until such attorney shall have practiced his or her profession as long as two (2) years. The license tax herein imposed is in addition to the license fee required under Section 11 of an Act approved August 9, 1923, (Gen. Acts 1923, page 105), to provide for organization, regulation and government of State Bar, etc.

Section 7½. Each person, firm, corporation or association whether principal or agent, engaged in selling, either at wholesale or retail, fruits, vegetables, produce or other commodities, from cars standing on the sidetracks, unloading tracks, spur-tracks or any other track of any railroad or railway, shall pay the following privilege tax: In each city or town, on each car \$25.00. Provided, that when the above privilege tax is paid to the Probate Judge he shall be furnished with the name of the railroad or railway owning the car in which the commodity to be sold is stored and the number of the car, and said name and number shall be written in the license issued, which license shall be posted in a conspicuous place on the car. Provided further, that any person, firm, corporation or association, whether principal or agent, shall be liable for the above tax on each transfer, if fruits, vegetables or other commodities are removed from one car and placed in another from which sales have already been made. Provided further, that this tax shall apply to all cars of fruits, vegetables, produce or other commodities shipped in carload lots or less for the purpose of being sold from the car, either at wholesale or retail, when the same is delivered to consignee, and the car shall not be opened for the purpose of making sales of its contents until the tax above classified is paid. Provided, this act shall not apply to any regular licensed jobber, wholesaler, or broker who regularly conducts a business of this nature. Provided that the provisions of this section shall not apply to any person engaged in selling farm products or produce raised by himself nor shall they apply to any merchant having a regular place of business in Alabama and who pays license as such merchant.

Section 8. DENTIST. Each person practicing the profession of dentistry in cities or towns of over five thousand inhabitants shall pay an annual license of Twenty-Five Dollars (\$25.00); in cities or towns of less than five thousand and more than one thousand inhabitants, Ten Dollars (\$10.00); in all other incorporated towns Five Dollars (\$5.00), but no license shall be paid to the county. If such business is conducted as a firm or as a corporation in which more than one dentist is engaged, each dentist so engaged shall pay the license as above stated, provided that the license imposed by this Section shall not apply until such dentist shall have practiced his or her profession as long as two years.

Section 9. DOCTORS, MEDICAL. Each person engaged in the practice of medicine in cities or towns of over Five Thousand inhabitants shall pay an annual license of Twenty-Five Dollars (\$25.00); in cities or towns of less than Five Thousand and more than One Thousand inhabitants, Ten Dollars (\$10.00); in all other incorporated towns, Five Dollars (\$5.00), but no license shall be paid to the county. If such business is conducted as a firm or as a corporation in which more than one doctor is engaged, each doctor so engaged shall pay the license as above stated, provided that the license imposed by this Section shall not apply until such doctor shall have practiced his or her profession as long as two years.

Section 10. ENGINEERING. Each person practicing the profession of civil, electrical, mining or mechanical engineering, shall pay an annual license of Twenty-Five Dollars (\$25.00) to the State, but no license shall be paid to the county. If such business is conducted as a firm or corporation in which more than one engineer is engaged, each engineer so engaged shall pay a license of Twenty-Five Dollars (\$25.00).

Section 11. EYE-GLASSES. For each person engaged in the business of peddling spectacles or eye-glasses, Fifty Dollars. (\$50.00).

Section 12. OCULISTS. Each oculist, optometrist or optician practicing his or her profession or any person, firm or corporation selling or dispensing spectacles or eye glasses in any form in cities or towns of over five thousand inhabitants shall pay an annual license of Twenty-Five Dollars (\$25); in cities or towns of less than five thousand and more than one thousand inhabitants, Ten Dollars (\$10.00); in all other incorporated towns Five Dollars (\$5.00), but no license shall be paid to the county. If each business is conducted as a firm, or as a corporation, in which more than one person is engaged each oculist, optometrist, or optician engaged shall pay the license as above stated; provided that the license imposed by this section shall not apply until such oculist, optometrist or optician shall have practiced his or her profession as long as two years.

Section 13. HOTELS AND LODGING HOUSES. Each person, firm or corporation keeping a public inn or lodging house of fifteen or more bed rooms where transient guests are lodged for pay shall be deemed for the purpose of this Act to be engaged in the business of keeping a hotel. A transient guest is one who puts up for less than one week at such hotel, but such a house is no less a hotel because some of the guests put up for longer periods than one week. Every person, firm or corporation keeping a hotel as defined in this section shall pay an annual license tax as follows: Hotels with fifteen rooms and not over fifty rooms, One Dollar (\$1.00) for each room; hotels with fifty rooms

and less than one hundred rooms, One Dollar and Fifty Cents (\$1.50) for each room; hotels with one hundred rooms and over, Two Dollars (\$2.00) for each room; provided that hotels at summer and health resorts keeping open not more than four months in a year, shall pay only one-half of the license herein prescribed. If meals, food or refreshments are served to the general public and charged for, then the additional license required to be paid by restaurants, cafes, lunch counters and public eating houses shall be paid. Provided, this section shall not apply to hotels or lodging houses in towns not incorporated.

Section 14. DIRECTORIES.—Each person compiling, selling or offering for sale directories shall pay to the State license taxes as follows: In cities or towns of Fifty Thousand inhabitants or over, Two Hundred and Fifty (\$250.00) Dollars; in cities or towns of Twenty Thousand and less than Fifty Thousand inhabitants One Hundred Dollars (\$100.00) in cities or towns of Ten Thousand and less than Twenty Thousand inhabitants, Twenty-five Dollars (\$25.00); provided that this section shall not apply to directories issued by any person, firm or corporation in connection with or as a part of a business for which business a general license tax is provided.

Section 15. STREET FAIRS.—Each person, firm or corporation operating or conducting an exhibition commonly termed "Street Fair", shall pay to the State a license as follows: For an exhibition operating or composed of, or controlling or embracing not more than Ten exhibits or devices, Three Hundred Dollars (\$300.00); but where more than ten and not exceeding twenty-five devices, Four Hundred Dollars (\$400.00); and where there are more than twenty-five devices, Seven Hundred and Fifty Dollars (\$750.00); for each place where said street fair is conducted. This license shall entitle the street fair to be operated for a period of not exceeding two weeks in any one place at any one time. Provided, that the provisions of this section shall not apply to any street fair or carnival operated by or under the auspices of State Fairs, County Fairs, or District Fairs.

Section 16. Each person, firm or corporation operating or conducting vaudeville, theatrical shows as transient, operating temporarily in different places in tents or otherwise, shall pay to the State a license as follows: Where the seating capacity is three hundred or less, One Hundred Dollars (\$100.00) per week for each such show; where the seating capacity is three hundred to five hundred, a license of One Hundred and Fifty Dollars (\$150.00) per week; where the seating capacity is five hundred or more, a license of Two Hundred Dollars (\$200.00) per week. A separate license shall be taken out for each week of operation. Provided that this section shall not apply to any show operating in a Theatre regularly licensed.

Section 161½. -GYPSIES AND TRADERS.—For every company of persons who travel from place to place and dwell in tents or vehicles and trade in horses or mules, Five Hundred Dollars in each and every county in which they do business. Schedule 57-A of Section 361, Acts Approved September 15, 1919, Acts 1919 page 282 is hereby repealed.

Section 17. "MOTOR TRUCKS."—For each motor truck the following license tax shall be charged and paid: Truck using exclusively motor fuel on which the excise tax imposed by this State has been paid or motor fuel which will be included in the report required to be made to State Tax Commission of motor fuel sold or stored and on which the State excise tax on motor fuel will be paid when same becomes due: Trucks less than one ton, Fifteen (\$15.00) Dollars; trucks of one ton and less than two tons, Twenty-two Dollars and Fifty Cents (\$22.50); trucks of two tons and less than three tons, Fifty (\$50.00) Dollars; trucks of three tons and less than four tons, One Hundred (\$100.00) Dollars; trucks of four tons and less than five tons, Two Hundred (\$200.00) Dollars; trucks of five tons and less than six tons, Four Hundred (\$400.00) Dollars; trucks of six tons and less than seven tons, Seven Hundred and Fifty Dollars (\$750.00); trucks of seven tons and over, One Thousand (\$1,000.00) Dollars. For each motor truck using any motor fuel on which the excise tax imposed by this State has not been paid or which will not be reported to the State Tax Commission as motor fuel sold or stored in this State on which the excise tax imposed on motor fuel will not be paid the following license tax shall be charged and paid: Trucks of one ton or less, Two Hundred and Sixty-five Dollars (\$265.00); trucks of one ton and less than two tons, Two Hundred and Seventy-seven Dollars and Fifty Cents (\$277.50); trucks of two tons and less than three tons, Three Hundred and Twenty-five Dollars (\$325.00); trucks of three tons and less than four tons, Four Hundred and Fifty Dollars (\$450.00); trucks of four tons and less than five tons, Six Hundred Dollars (\$600.00); trucks of five tons and less than six tons, Seven Hundred and Fifty Dollars (\$750.00); trucks of six tons and less than seven tons, Eleven Hundred and Fifty Dollars (\$1,150.00); trucks of seven tons and over, Fifteen Hundred Dollars (\$1,500.00). Provided that the motor truck license tax heretofore imposed on motor trucks is hereby repealed. Every person making application for a license to use a truck on the highways of this State shall be required to make an affidavit before the Probate Judge of the County in which such application is made as to whether the gasoline or other motor fuel oil on which the excise tax of four cents (4c) per gallon as imposed by this State is to be used in operating the truck for which the application for license is made; and the applicant shall also fill out ap-

lication blank in the form prescribed by the State Tax Commission as to the use of motor fuel in said truck. Any owner of a motor truck who has already obtained a license or license tag as provided by law and who exchanges for another may obtain a transferred license tag or certificate in the same manner and upon the same terms and conditions upon payment of the same fee as do owners of automobiles when obtaining a transferred license or license tag. Provided that it shall be unlawful to operate over any of the public roads of this State any vehicle whose aggregate weight, including load, is more than ten tons, and any person violating this provision shall be guilty of a misdemeanor; provided this section does not apply to automobile trucks used exclusively for transferring children to and from school. Motor trucks or motor vehicles used by the State or county or any municipality of this State shall not be liable for the payment of this tax, but shall carry tags. The money collected as motor truck license taxes, less all the expenses necessary or incident to the collection of such taxes including the printing and distribution of assessment blanks, blank receipts and license blanks, shall be distributed as follows: Eighty per cent (80) to the State and Twenty per cent (20) to the incorporate city or town in which the owner of the motor truck resides and twenty per cent (20%) to the county if the owner of truck resides outside of an incorporated city or town. The money collected as motor truck license taxes by the State, less expenses, shall be used exclusively to create a sinking fund for the prompt and faithful payment of the principal and interest on good road bonds and for construction, maintenance and improvements of public highways, roads and bridges, as required under provisions of Article XX of the Constitution of Alabama.

Section 18. To prevent motor vehicles within the meaning of this Act from escaping taxation and to provide for the more efficient assessment and collection of taxes due on same, on and after the first day of October, 1923, no license shall be issued to operate a motor vehicle on the public highways of this State, nor shall any transfer be made by the probate judge as provided under this Act, until the ad valorem tax on such vehicle shall have been paid in the county for the preceding year, as evidenced by a receipt of the tax collector where the owner of said vehicle resides, if the vehicle is owned by an individual, and if the vehicle is owned by a firm, corporation or association, then as evidenced by the receipt of the tax collector in the county in which said motor vehicle is used or operated provided that this section shall not apply to motor vehicles owned by dealers the State, counties, and municipalities. On and after the first day of October, 1923, every person, firm, or corporation who desires to operate a motor vehicle on the public highways of Alabama shall first return

such motor vehicle for ad valorem taxation to the tax assessor of the county in which he resides, for the preceding tax year, and the tax assessor of such county shall deliver to such person who makes the return as herein required, a certificate of assessment on a form prescribed by the State Tax Commission, and such certificate shall be the warrant of the tax collector to collect the tax as shown thereon.

(b) If any motor vehicle has already been returned for the fiscal year beginning October 1st, 1922, and ending September 30th, 1923, the tax assessor shall issue a certificate showing the valuation of such motor vehicle, and the tax collector shall collect the taxes according to such valuation, and credit same upon the collector's abstract as part payment.

(c) After the first day of October, 1923, motor vehicles within the meaning of this Act, shall not be included in any assessment made by any person, firm or corporation as of the first day of October, 1923, or subsequent years; and such motor vehicles shall not be considered as escaped property by reason of failure to include same in any tax return as of the first day of October, 1923, or any subsequent year, but shall be assessed as herein provided.

(d) The judge of probate upon issuing a license as herein provided shall require the applicant to surrender the receipt of the tax collector and keep same on file in his office. The license tag shall be evidence of the payment of the license and ad valorem tax due as provided under this Act. Valuation for ad valorem assessment shall be sixty per cent of the fair and reasonable value of same.

(e) Motor vehicles brought into this State after the first day of October, and before the Tax Assessor has completed his assessment shall be subject to taxation the same as if it had been held or owned in the State on the first day of October. The Probate Judge is authorized to issue a motor vehicle license upon a certificate of the Tax Assessor certifying that there is no ad valorem taxes on said motor vehicle for the preceding year.

(f) The Tax Assessors and Collectors of the several counties in this State, in addition to assessing and collecting the ad valorem taxes due the State and counties on motor vehicles, shall collect the ad valorem taxes on motor vehicles due all cities in this State. The Tax Collectors shall report and pay over the money collected for said cities at the same time and in the same manner as State and County taxes are reported and paid over by him. Said Assessors and Collectors shall each receive a commission of Two and One-half per cent of the amount of city taxes collected; and the tax collectors shall deduct said commission from the amount collected before paying into the City Treasury, and at the time pay over to the Tax Assessor commissions due him under

this Act. Provided that nothing in this Act shall change the rate of commissions now charged by Tax Assessors and Tax Collectors in cities where the County Tax Assessor and County Tax Collector are required by local law to assess and collect all ad valorem taxes for such cities. Provided that the Tax Assessors and Collectors of all counties which now have not less than seventy-five thousand inhabitants or over ninety thousand inhabitants, according to the last Federal Census or any such census hereafter taken, shall each receive a commission of 5% of the amount of city taxes collected, which shall be in addition to any salary now received by them. The Judge of Probate shall not issue a license to operate a motor vehicle on the highways of this State until all ad valorem taxes due the said State, counties and cities are paid for the preceding year as shown by a receipt of the tax collector. That Schedule 7 of Section 361, Acts 1919, Page 282, be and the same is hereby repealed. That Section 19, of the Acts approved September 14, 1923, Acts 1923, page 284, be and the same is hereby repealed.

Section 18½. AGENTS OR DEALERS IN AUTOMOBILES. —Upon each and every agent of and dealer in, and upon every person soliciting orders for the sale or purchase of automobiles, motor cars or other self propelling vehicles, except motor cycles, and except any person regularly employed by a said agent of or dealer in, which said agent of or dealer in has paid the privilege tax or license herein provided for, the following privilege tax or license shall be collected, to-wit: In each county having a population of twenty thousand people or less, twenty-five dollars; in each county having a population of more than twenty thousand and less than forty thousand inhabitants, fifty dollars; in each county having a population of forty thousand and less than sixty thousand inhabitants, seventy-five dollars; in each county having a population of sixty thousand and less than one hundred thousand inhabitants, one hundred dollars; in each county having a population of one hundred thousand inhabitants or more, one hundred and twenty-five dollars: Schedule 10 of Section 361 of an act to provide for the general revenue of Alabama approved Sept. 15, 1919 is hereby repealed.

Section 19. EXEMPTION OF NON-RESIDENT OWNERS. —Exemption of non-resident owners: The provisions of the foregoing sections relative to registration and display of registration numbers shall not apply to a motor vehicle owned by a non-resident of this State and not used for hire in this State, provided that the owner thereof shall have complied with the provisions of the law of the foreign country, State, territory, or federal district of his residence relative to registration of motor vehicles and the display of registration numbers thereon, and shall conspicuously display his registration number as required

thereby. The provisions of this section shall apply as to a motor vehicle owned by a non-resident of this State only to the extent that under the laws of the foreign country, State, territory or federal district of his residence like exemptions and privileges are granted to motor vehicles duly registered under the laws of and owned by residents of this State, provided that nothing therein shall be construed to permit the use of motor vehicles for hire by non-residents without complying with the provisions of this Act.

Section 20. GASOLINE FILLING STATIONS.—Each person, firm or corporation operating for profit a gasoline filling station or pump in cities or towns, or within five miles thereof, shall pay the following privilege tax: In cities of one hundred thousand inhabitants and over, where only one pump or filler is used, Fifty Dollars (\$50.00), and for each additional pump Fifty Dollars (\$50.00); in cities of Forty Thousand inhabitants and less than One Hundred Thousand, where only one pump or filler is used, Forty Dollars (\$40.00), and for each additional pump Forty Dollars (\$40.00); in cities of Twelve Thousand inhabitants and less than Forty Thousand, Thirty Dollars (\$30.00) where only one pump filler is used and for each additional pump or filler, Thirty Dollars (\$30.00); in cities or towns of Five Thousand inhabitants and less than Twelve Thousand, Twenty-five Dollars (\$25.00) where only one pump or filler is used, and for each additional pump, Twenty-five Dollars (\$25.00); in incorporated towns of One Thousand inhabitants and less than Five Thousand, where only one pump or filler is used, Twenty Dollars (\$20.00) and for each additional pump or filler, Twenty Dollars (\$20.00); in incorporated towns of less than One Thousand inhabitants Ten Dollars (\$10.00) and for each additional pump or filler Ten Dollars (\$10.00); and in all other places Five Dollars (\$5.00) for each pump or filler.

Section 21. FREIGHT LINE OR EQUIPMENT COMPANIES.—Any person, firm, joint stock association or corporation, wherever organized or incorporated, engaged in business of operating, renting, leasing, or furnishing cars not otherwise listed for taxation in this State for the, transportation of freight, whether such freight is owned by such company, or any other person, firm, joint stock association or corporation, over any railroad or railway line or lines in whole or in part within this State, such line or lines not being owned, leased or operated, by such person, firm, joint stock association or corporation, whether such cars be termed box, flat, coal, ore, tank, stock, gondola, furniture, automobile, refrigerator, or by some other name, shall be deemed to be a freight line or equipment company. Every freight line or equipment company doing business, owning, operating, renting, leasing or furnishing cars which are operated

in this State shall, on or before the first day of March each year, make and file with the State Tax Commission on form or forms prescribed by the State Tax Commission, a statement under oath by its president, secretary, treasurer, superintendent, manager or owner; showing the number of miles run by all its cars over the line or lines of each separate railroad or railway in this State, naming each separate railroad or railway, and the total number of miles run by all of its cars over all line or lines of all railroads or railways in this State, and the total number of miles run by its cars over line or lines of railroads or railways every where outside of this State, such mileage to be shown as made for the twelve months period preceding October first of each year. There shall be shown on statement, the principal place of business, together with street address of each freight line or equipment company, together with name and address of person to whom correspondence or tax notice should be sent. It shall be the duty of the State Tax Commission to examine the statement of each freight line or equipment company, and the reports of each railroad or railway company over whose lines such freight line or equipment moved, and from such statements and reports compute the average number of cars within the State, of each freight line or equipment company for the twelve months preceding October first of each year; for the average number of cars found to be in the State for such twelve months period, the reasonable cash value of such cars shall be computed and the sum total cash value of the average number of cars shall be reduced to sixty per cent thereof. It shall be the duty of the State Tax Commission to levy a license tax of two per cent of the sixty per cent cash value of the average number of cars within the State for the period of twelve months preceding October first of each year. When the State Tax Commission has completed its examination of the statements, made by freight line or equipment companies and reports made by railroad or railway companies, it shall give notice in writing to each freight line or equipment company, showing the average number of its cars found to be in the State for the period covered, the aggregate cash value of such average number of cars, and the aggregate cash value of such cars reduced to sixty per cent and the amount of tax due the State thereon, and shall set a date in such notice upon which such freight line or equipment company, through its officers or attorneys may appear and present any evidence relating to the case or looking to adjustment thereof. Should no appearance be made on date set for hearing, the finding of the State Tax Commission shall become final and the amount of tax named in notice shall be immediately due and shall be delinquent thirty days from date set for hearing. The tax shall be paid to the State Tax Commission, by check made payable to the State Treasurer,

and the license tax so paid shall be placed to the credit of the State General Fund. If any freight line or equipment company is dissatisfied with the findings of the State Tax Commission it may, after hearing is had on date set in notice, appeal to arbitration in the same manner as is provided for public utilities to appeal and such freight line or equipment company and the State Tax Commission shall be bound by the decision of such board of arbitration. Should any freight line or equipment company fail or refuse to make the statement or statements as above required on or before March first of each year, the State Tax Commission will obtain the facts from the best information available and shall assess against such freight line or equipment company so failing or refusing to make the statements required, a penalty of double the amount of tax assessed. Should any freight line or equipment company fail or refuse to pay the tax assessed after same becomes delinquent, the State Tax Commission shall collect as a penalty three times the amount of the tax assessed and may institute suit for such collection as provided by law. Each railroad or railway company in this State shall also, annually before the first day of March of each year, make and file with the State Tax Commission, under oath of some executive officer of the company, and on forms prescribed by the State Tax Commission, a report, containing as to all its lines in Alabama, all the data required of freight line or equipment companies, and any additional information deemed necessary by the State Tax Commission.

Section 21½: No deed, bill of sale or other instrument of like character which conveys any real or personal property within this State, or which conveys any interest in any such property, except the transfer of mortgages on real or personal property within this State upon which the mortgage tax has been paid, deeds or instruments executed for a nominal consideration for the purpose of perfecting the title to real estate, and deeds and other instruments or conveyances executed prior to October 1st, 1923, shall be received for record unless the following privilege or license tax shall have been paid upon such instrument before the same is offered for record, to-wit: Upon all such instruments which are executed to convey real or personal property situated in this State of the value of five hundred dollars or less there shall be paid the sum of fifty cents, and upon all such instruments executed to convey real or personal property situated in this State of more than five hundred dollars in value there shall be paid the sum of fifty cents for each five hundred dollars or fraction thereof in value of property conveyed by such instrument. Provided, that only the value in excess of any mortgages or vendors lien upon any property within this State on which the mortgage tax has been paid, shall be taxable under this sec-

tion, and provided, further, that where several deeds or instruments are executed by tenants in common for the same consideration, only one of such instruments shall be taxable under this section. Upon the presentation of any such instrument for record the Judge of Probate shall determine the amount of tax due thereon and upon the payment to him of the amount of such tax and recording fee of the Judge of Probate he shall accept the same for record; provided, however, that upon the presentation for record of any instrument which conveys property situated into two or more counties of this State, the Judge of Probate shall certify the facts of the case together with a description of the property conveyed by such instrument to the State Tax Commission, who, after hearing such evidence as may be offered, shall fix and determine the value of such property as located in each county and shall certify their determination thereof to the Judge of Probate, showing the value of such property in each county separately, and upon the payment to the Judge of Probate of the tax due on the value of all the property in this State conveyed by such instrument, as so determined, the Judge of Probate shall accept such instrument for record. The person presenting any such instrument conveying property in two or more counties of this State may secure immediate filing of such instrument for record by depositing with the Judge of Probate, to be held by him until the amount of the tax due thereon is determined, an amount which in the judgment of the Judge of Probate will cover the tax herein provided for, and after the value of the property conveyed thereby is determined by the State Tax Commission, as provided herein, any excess of such deposit over the amount of tax found to be due on such instrument shall be refunded to the person offering such instrument for record. The determination by the Judge of Probate of the amount of tax due on any such instrument is hereby declared to be a ministerial act and shall not preclude the subsequent collection of the correct amount of tax if the value of the property thereby conveyed is not fully disclosed to the Judge of Probate when such instrument is offered for record. Upon the filing for record of any instrument coming within the terms of this Act the Judge of Probate shall certify thereon the fact that the tax thereon has been paid, showing the amount of such tax, and thereafter such instrument shall be received for record in any county of this State without the payment of any further tax thereon, except the fee of the Judge of Probate for recording such instrument, which certificate shall be recorded with and as part of such instrument. Of the tax collected by the Judge of Probate under the provisions of this Act there shall be paid into the State treasury two-thirds of the amount so collected and the remaining one-third shall be paid into the county treasury; pro-

vided, however, that the counties' share of the tax collected on any instrument conveying property in more than one county shall be paid into the county treasuries of the counties in which such property is situated in proportion to the value of such property as determined by the State Tax Commission as herein provided. The Judge of Probate shall receive two and one-half per cent of the amount collected by him under the provisions of this Act as his commission for collecting said money and certifying said instruments, which shall be deducted from the total amount collected and retained by him when making settlement of his collections as required by law. Provided, however, that this Act shall not be so construed or enforced as to require the payment of privilege tax herein provided on mortgages, deeds of trust or other instruments in the nature of a mortgage or deeds or other instruments with vendors lien except as to that part of the purchase price, which is paid in cash or other articles of value and which pay no other privilege tax for recording. Provided that in counties where the Probate Judges are paid salaries the fee or commission collected or retained by the Probate Judges for collecting the tax herein provided for shall be paid by them into the treasury of their respective counties. * The Act approved September 14th, 1923 "To impose a license or privilege tax on all deeds, bills of sale and other instruments of like character admitted to record in the probate offices of this State", be, and the same is hereby repealed.

Section 24. ELECTRIC PUBLIC UTILITIES. Each person, firm or corporation operating an electric public utility shall pay to the State a license tax equal to four mills of each dollar of gross receipts of such public utility for the preceding year. For the first year's business where an existing electric public utility is taken over such license tax payable to the State shall be equal to four mills on each dollar of the gross receipts for the preceding year of the electric utility taken over, less whatever sum the prior operators shall have paid as such license tax on the gross receipts for that year. Where no existing electric public utility is taken over, the license tax for the first year upon such utility shall be based upon the first year's business, but shall in no event be less than One Hundred Dollars (\$100.00) for the first year's business. Any person, firm or corporation establishing a new electric public utility shall pay to the State the sum of One Hundred Dollars (\$100.00) and shall also at the same time execute a bond payable to the State of Alabama to insure payment of whatever sum in addition to such One Hundred Dollars may be due when, at the end of the first year, the amount of gross receipts for that year is ascertainable. Such license tax shall be paid to the Probate Judge of the County where such electric public utility has its principal office as designated by its

charter, and the application for such license shall be accompanied by a statement made by the president or manager of the public utility or by the owner thereof, giving the name of the person, firm or corporation owning and operating such public utility and the principal place of business thereof, together with a statement under oath of the amount of gross receipts of such public utility for the preceding year. The books of every person, firm or corporation operating such public utility shall be at all times open to the inspection of the State Tax Commission. Any person failing to make such sworn statement or willfully making a false statement of the gross receipts of such public utility shall be guilty of a misdemeanor, and upon conviction therefor, shall be fined not exceeding Five Hundred Dollars (\$500.00), and shall also forfeit to the State three times the amount of the license for such public utility; but no license under this schedule shall be paid to the county or counties. The foregoing license tax shall be two mills on each dollar of gross receipts after December 31, 1931.

Section 24 a. The maximum amount of privilege or license taxes which the several municipalities within the State may annually assess and collect of persons, firms or corporations operating electric public utilities for business transacted in such municipalities, respectively, whether such companies are incorporated under the laws of this State, or of any other State, or whether incorporated at all or not, shall not exceed 2 per cent of the gross receipts of said utilities for the preceding year. The provisions of Schedule 89 of Section 361 of an Act to provide for the General Revenue of the State of Alabama, approved September 15, 1919, so far as the same apply to electric public utilities, are hereby expressly repealed. "Provided that each municipality may impose a license tax not to exceed two per cent, of the gross income of such utility in the municipality; provided further, that this shall not affect any existing contract between any municipality and any electric public utility operating therein." Schedule 89 of Section 361 of An Act approved September 15, 1919, Acts 1919 page 282 is hereby repealed in so far as the same applies to the electric public utilities.

Section 25. Every share of any domestic corporation (except banks or banking associations and building and loan associations, and mortgage companies or corporations making loans on real estate or purchasing mortgages or mortgage notes on real estate and industrial loan companies or corporations), shall be assessed and the taxes thereon collected in the county wherein such corporation has its home or chief office in the State, and shall be assessed at sixty per cent of its fair and reasonable market value to the person in whose name such shares stand on the books of the corporation and not to the corporation. The President or

managing officer of every such corporation shall make out and return under oath to the tax assessor and to the State Tax Commission a list showing the total number of shares of capital stock of such corporation and the par value thereof, and the full name and residence of each stock holder, as far as known, the actual value thereof, the date of the last sale of shares of stock of such corporation, with the name of the seller and the purchaser and the price paid for the same, and the annual dividend declared on the stock of such corporation, for the last three years, and the value of the shares as shown by the books of the corporation, and by the last report of the officers to the shareholders, and the amount of the surplus, and the amount of the undivided profits not included in the surplus, and such other information as may be required by the State Tax Commission. There shall be attached to the copy of the return made to the State Tax Commission a balance sheet showing the condition of such corporation at the close of its fiscal period next preceding October first of the year for which the assessment is to be made. Such corporations shall at the same time make a tax return sworn to by its president or manager, to the State Tax Commission and to the County Tax Assessor, on a form prescribed by the State Tax Commission, of all taxable property, real and personal, situated in the State and owned by such corporation, and the State Tax Commission after passing on the value of the shares of the capital stock, shall deduct from the total value of such shares the reasonable market value of the real and personal property of the corporation, as shown to be by such tax return of the corporation, and sixty percent of the residue of value remaining after such deduction shall be the assessed value of the whole of such shares, and such sixty per cent of the residue divided by the whole number of shares, shall constitute the value of each share for taxation. Provided, however, that if any property owned by a corporation, which property is subject to taxation in this State, is omitted from the tax return filed by the corporation, the same shall be assessed as an escape item or items of taxation in the same manner as escaped property of individuals is assessed and the value of such omitted property shall not be deducted from the value of the shares of stock of the corporation as assessed for taxation. The corporation shall pay for the shareholders the tax assessed against his shares, and the amount so paid for any shareholder shall be a lien on any interest which such shareholder may have in any property owned by the corporation. In arriving at the value of the shares of the stock of a corporation organized under the laws of Alabama for the purpose of conducting an insurance business, there shall be deducted from the value of such shares, in addition to the assessed value of its property, (the amount of its bonds of the State

of Alabama, or bonds of any county or municipality thereof, and of the United States), held by such insurance corporation at the time of such assessment, which said bonds were held during all the six months preceding such assessment. If the aggregate value of shares does not exceed the aggregate value of the real and personal property of the corporation as returned for taxation, then no tax shall be demanded or collected on the shares, and no other deduction shall be made from the aggregate amount or sum at which the real and personal property of the corporation is returned for taxation than is herein specifically provided for. Provided that any corporation within the provisions of this section shall be entitled; for the purpose of arriving at the value of shares for taxation, to have deducted from the value of its shares, as fixed by the State Tax Commission, the assessed value of property owned by such corporation in other states or in other counties of this State on the next preceding first of October. The State Tax Commission and the tax assessor shall have a right to demand and receive of said corporation a certified copy of the assessment of any property outside of the State of Alabama sought to be deducted as above provided. The State Tax Commission shall deliver said assessment to the tax assessor with its other assessments of property in the county and notice of such assessment shall be given as in other cases. It shall be no ground for objection to such assessment of shares that the same is entered upon the assessment books in the name of the corporation. Provided that no shareholder of any corporation which pays a tax on its franchise or intangible property shall be liable for the taxes specified in this section as to the same property. Provided, however, that the provisions of this Act, shall not apply to the shares of stock of domestic or foreign mortgage companies or corporations whose chief business is making loans on real estate, or purchasing mortgages and mortgage notes on real estate; nor shall this Act apply to the shares of domestic or foreign industrial loan companies or corporations, it being hereby expressly enacted that all shares of stock of such domestic and foreign mortgage companies or corporations and domestic and foreign industrial loan companies or corporations, shall be exempted from assessment and the payment of ad valorem taxes.

Section 26. As used in this Act, the term "lubricating oils" shall include any devices or substitutes therefor, commonly used in lubricating or oiling engines, bearings, journals, axles, hubs and other parts of machinery; provided, however, that nothing contained in this Act shall be held to apply to those products known commercially as "kerosene oil", "fuel oil" or "crude oil" used for lighting or heating purposes. The word "person" means and includes persons, corporations, co-partnerships, companies,

agencies or associations, singular or plural. The term "distributor" shall include any person who engages in the selling of lubricating oils in this State by wholesale domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as distributor who is also engaged in the selling of lubricating oils in this State at any place in this State in broken quantities. The term "storer" as herein used shall include any person who ships lubricating oils in this State in tank, barrel or drum quantities and stores the same and withdraws or uses the same for any purpose.

Section 27. Every distributor, retail dealer or storer of lubricating oils as herein defined shall pay an excise tax of Two Cents (2c) per gallon upon the selling, distributing or withdrawing from storage for any use lubricating oils as herein defined in this State, provided, however, that this excise tax shall not be levied upon the sale of lubricating oils in interstate commerce, and provided further that where the excise tax of Two cents (2c) per gallon upon the sale of such lubricating oils shall have been paid by a distributor or by a retail dealer or storer such payment shall be sufficient, the intention being that the tax shall not be paid but once.

Section 28. The excise tax imposed by this Act shall apply to persons, firms, corporations, dealers or distributors storing lubricating oils and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawals be for sales or other use; provided, that "sellers" of lubricating oils and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required and storers and distributors shall compute and pay this tax on the basis of their withdrawals or distributions.

Section 29. On or before the 20th day of each month after this Act shall have taken effect, every person upon whom this excise tax is levied shall render to the State Tax Commission on forms prescribed by such Commission a true and correct statement of all sales and withdrawals of lubricating oils made by him or them during the next preceding month, liable for the payment of the excise tax herein prescribed, and shall furnish to said Commission such additional information as such Commission may require upon blanks to be formulated and furnished by said Commission, and at the time of making such report shall pay to the State Tax Commission an amount of money equal to the excise tax herein laid.

Section 30. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths and any false or fraudulent statement sworn to shall constitute perjury and upon con-

viction thereof the person so convicted shall be punished as provided by Section 5161 of the Code of Alabama.

Section 31. All distributors, storers or retail dealers shall keep, for not less than two years, within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sales or withdrawals of lubricating oils made in this State covered by this Act.

Section 32. Within thirty days after the passage of this Act, every distributor, storer or retail dealer engaged in the sale or withdrawal of lubricating oils shall make a report on blanks furnished by the State Tax Commission to the State Tax Commission showing the place and post office address at which he is engaged in the business of distributor or storer or retail dealer in lubricating oils, which information shall be entered by the State Tax Commission on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one post office address to another, such distributor, storer, or retail dealer shall within thirty days thereafter notify the State Tax Commission of such removal, giving the former place and post office address and also the place and post office address to which the business has been removed. After this Act becomes effective no person shall become a distributor, storer or seller of lubricating oils in this State until he shall have made such reports to the State Tax Commission.

Section 33. If any distributor, storer or retail dealer in lubricating oils in this State covered by the provisions in this Act shall fail to make the reports or any of them, to the State Tax Commission as herein required or shall fail to keep the records required by this Act, such distributor, storer or retail dealer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00) for each of such offense.

Section 34. It shall be the duty of the State Tax Commission to enforce the provisions of this Act and the State Tax Commission shall have the right itself or by any of its members or its agents to examine the books, reports and accounts of every such distributor, storer or retail dealer of lubricating oils covered in this Act.

Section 35. The proceeds of the excise tax levied by this Act shall, when collected, be covered into the State Treasury to the credit of the State General Fund.

Section 36. The acceptance of any money paid for the excise tax provided for in this Act shall in no way preclude the collection of the money actually due, provided, however, that the money actually paid shall constitute a credit against the money actually due.

Section 37. The forms for all statements and reports required in the provisions of this Act shall be prescribed and furnished by the State Tax Commission and the cost of the enforcement of this Act shall be paid out of the funds derived from the excise tax herein prescribed upon a warrant of the State Auditor upon a voucher of the Chairman of the State Tax Commission and approved by the Governor.

Section 38. If a distributor, storer or retail dealer of lubricating oils covered by this Act shall fail to make the monthly returns prescribed herein the State Tax Commission shall make a return for such delinquent upon such information as it may reasonably obtain, assess the excise tax thereon, and add a penalty for failure to make such returns Twenty-five Per Cent (25%) of the Tax due, to the amount as assessed by the Commission.

Section 39. The State Tax Commission shall, as soon as is practicable and before the thirtieth day of the month, certify to the State Auditor and the State Treasurer names of all persons liable to pay the tax herein provided together with the post office address and the amount of the tax, and if any such tax and penalty shall not have been paid, the chairman of the State Tax Commission shall issue executions for the collection of such tax directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent tax by the county tax collectors and make returns of such executions to the State Tax Commission. The tax and all penalties herein provided for shall be held as a debt payable to the State of Alabama by the person against whom the same shall be charged and all such penalties and assessments shall be a lien upon the property in this State of the party charged therewith.

Section 40. Any distributor, storer or retail dealer who shall violate any of the provisions of this Act may be restrained and the proper prosecution instituted in the name of the State of Alabama by its Attorney General or under his direction by any circuit solicitor of the State from distributing, selling or withdrawing from storage any lubricating oils, the sale or withdrawal of which is taxable under this Act, until such person shall have complied with the provision of this Act.

Section 41. The provisions of the fifteen preceding sections of this Act shall go into effect on August 1, 1927.

Section 42. CORPORATION PERMIT.—Every foreign or non-resident corporation, and all corporations organized under or by authority of the laws of any state or government other than the State of Alabama, in addition to other license and privilege taxes required to be paid by law, and for the purpose of registration and to prevent the duplication of names and in order to se-

cure for the public record, for taxation, and for other purposes, the names and addresses of the said corporations and individual officers thereof, shall be required to procure from the Secretary of State when it is admitted or authorized by law to do business, and annually thereafter, a permit, which permit shall be prepared by and countersigned by the State Auditor, and shall be delivered by the State Auditor to the Secretary of State in a well bound book with the stub and blanks therein showing the date thereof, the names of the corporations when issued, and the character of business engaged in by said corporation. The issuance of such permit to any such corporation shall be prima facie evidence of its having complied with all the laws required of it before engaging in business in this State. For all such permits said corporation shall, upon admission and when authorized to do business as a corporation, and annually thereafter, on or before the first day of February of every year pay to the Secretary of State a fee of Five Dollars (\$5.00) per annum, or for a part of a year, if the capital employed in this State of such corporation is less than One Thousand Dollars; if more than One Thousand Dollars, and not over Ten Thousand Dollars, it shall pay the sum of Ten Dollars (\$10.00) if the capital employed in this State is in excess of Ten Thousand but not in excess of Twenty-five Thousand Dollars, a fee of Twenty Dollars (\$20.00) shall be paid; if the capital employed in this State is in excess of Twenty-five Thousand Dollars and not in excess of Fifty Thousand, the fee shall be Fifty Dollars (\$50.00); if the capital employed in the State is in excess of Fifty Thousand Dollars, the fee shall be One Hundred Dollars (\$100.00). The Secretary of State shall keep a full and complete account of all moneys received by him for and on account of such permit, and shall pay the same into the State Treasury as all other moneys collected or received by him are paid into the State Treasury. The Secretary of State shall send a statement monthly to the State Tax Commission of all fees paid hereunder. No corporation, its agents, officers or servants shall transact any business for or in the name of such corporation within the State of Alabama without having first procured said permit, and all contracts, engagements or undertakings, or agreements with, by or to such corporation made without obtaining such permit, shall be null and void. Application for said permit shall be made by said Corporations as provided by law, giving the name and address of said Corporation, its principal place of business where organized, its principal place of business in Alabama; its agent upon whom process can be served, his address and the names of the President and Secretary of said Corporation.

Section 43. CORPORATION PERMIT.—Every Domestic Corporation organized under or by authority of the laws of the

State of Alabama, in addition to other license and privilege taxes required to be paid by law, and for the purpose of registration and to prevent the duplication of names and in order to secure for the public record, for taxation, and for other purposes, the names and addresses of the said corporations and individual officers thereof, shall be required to procure from the Secretary of State when it is authorized by law to do business, and annually thereafter, a permit, which permit shall be prepared by and countersigned by the State Auditor, and shall be delivered by the State Auditor to the Secretary of State in a well bound book with the stub and blanks therein showing the date thereof, the names of the corporations and when issued, and the character of business engaged in by said corporation. The issuance of such permit to any such corporation shall be prima facie evidence of its having complied with all the laws required of it before engaging in business in this State. For all such permits said corporation shall, when authorized to do business as a corporation, and annually thereafter, on or before the first day of February of every year, pay to the Secretary of State a fee of Ten Dollars (\$10.00) per annum, or for a part of a year, if the paid capital stock of such corporation is less than Twenty-five Thousand; if more than Twenty-five Thousand, and not over Fifty Thousand Dollars, it shall pay the sum of Twenty Dollars (\$20.00); if the paid capital stock is in excess of Fifty Thousand, but not in excess of One Hundred Thousand Dollars, a fee of Thirty Dollars (\$30.00) shall be paid; if the paid capital stock is in excess of One Hundred Thousand Dollars and not in excess of One Hundred Fifty Thousand, the fee shall be Fifty Dollars (\$50.00); if the paid capital stock is in excess of One Hundred Fifty Thousand Dollars, the fee shall be One Hundred Dollars (\$100.00). The Secretary of State shall keep a full and complete account of all moneys received by him for and on account of such permit, and shall pay the same into the State Treasury as all other moneys collected or received by him are paid into the State Treasury. The Secretary of State shall send a statement monthly to the State Tax Commission of all fees paid hereunder. If any corporation fails or refuses to take out the permit herein provided for within thirty days after the first day of January such corporations shall be required to pay a penalty of Five Dollars (\$5.00) per day for each day's delinquency; provided further, that, for good cause, the State Tax Commission may relieve any domestic corporation of all or any part of the penalty imposed herein. Application for said permit shall be made by said corporation as provided by law, giving the name and address of said corporation, its principal place of business where organized, its principal place of business in Alabama; its agent upon whom process can be served, his address and the names of the President and Secretary of said corporation.

Section 44. The word "securities" when used in this Act shall mean and include capital stock, stock certificates, voting trust certificates, bonds, notes, debentures or similar evidences of indebtedness of any foreign corporation, and bonds, warrants, notes, debentures or other evidences of indebtedness of any state or of any government or governmental subdivision other than the State of Alabama, or some political subdivision thereof. The word "owner" as herein used, shall include as well, brokers and parties holding or claiming title to any securities in a fiduciary capacity.

Section 45. Any owner of any securities enumerated in the preceding section may, as of the first day of October, 1927, and thereafter as to securities subsequently acquired from time to time as of the first day of October next, following the date of acquisition, record the fact of his ownership thereof in the office of the State Tax Commission of Alabama by filing for record in said office a list of these securities held by such owner, stating the name and address of such owner, duly verified by affidavit stating the fact of such holding and sworn to by such owner. Any such list shall state the names of the corporations or government which issued the respective securities listed, shall describe the nature of each security listed, shall state the number and amount of each class of securities described and shall identify the same by the serial number appearing thereon. Such record of ownership may be made for any owner by any broker, agent or representative without listing or disclosing the name of the beneficial owner of any securities.

Section 46. The State Tax Commission of Alabama shall procure large and well bound books in which must be recorded in a fair hand or in typewriting, word for word, any such list of securities duly verified as aforesaid and at the foot of the margin of such record of each such list, the day of the month and year of the delivery of the same for record, must be specified. Said books shall be alphabetically indexed both as to the names of the owners or the parties filing such lists and the names and serial numbers of the securities covered by such recorded lists. The State Tax Commission, upon making the record of any such list of securities, shall certify on the same when it was received and recorded and in what book and page the same is recorded, and shall deliver the original of such list so certified to the party entitled thereto, or his order, on the payment of the fees for recording the same, but the secretary may refuse to endorse "filed" on any such list of securities or to record the same until his fees for the recording thereof are paid, and shall make such rules and regulations as it deems necessary to carry out the provisions of this Act.

Section 47. For the services in filing and recording any such list, there shall be paid to the State Tax Commission a fee of fifty cents for each such list so filed and recorded in its office, and in addition thereto, to a recording fee of ten cents per hundred words contained in each such list so filed for record in his office.

Section 48. Any such list shall be operative as a record from the day of the delivery thereof to the State Tax Commission and anyone delivering any such list for record may require a receipt for the same, describing it by date and the name of the party verifying the same.

Section 49. The State Tax Commission shall permit all persons to have free access to the record books of such lists of securities in its office under such rules and regulations as it may prescribe, and furnish transcript therefrom with certificates, when required, upon payment of a fee of fifty cents for each such transcript and certificate, and in addition thereto, a fee of ten cents per hundred words contained in the transcript of any list so transcribed and certified.

Section 50. The recording in the office of the State Tax Commission of any such list of securities shall operate as a notice of the contents of such list of securities and the claim of ownership of the securities therein listed from the day of the filing of the same for record to all persons and parties in the State of Alabama whomsoever, except only purchasers and pledges for value in the ordinary course of business, until such time as such ownership may cease by legal transfer and delivery to some other party by the owner by or on whose account such list has been filed for record.

Section 51. (a) No list of securities shall be received for record by the State Tax Commission unless and until the following privilege or license tax shall have been paid to the State Tax Commission upon such list of securities, before the same shall be offered for record, to-wit: Upon all such securities listed with the State Tax Commission, the par value or principal amount of which does not exceed One Hundred Dollars (\$100), the sum of Twenty-five Cents (25c) and upon all such securities the par value or principal sum of which is more than One Hundred Dollars (\$100.00), the sum of Twenty-five Cents (25c) for each One Hundred Dollars (\$100.00) of value or fraction thereof is shown in said list. For the purpose of this Act, shares of stock having no nominal or par value, included in any such list of securities, shall be taken in the determination of said tax as equal to One Hundred Dollars (\$100.00) par value per share, unless the actual value thereof be otherwise shown affirmatively on the list thereof to the satisfaction of the State Tax Commission, in which event the sum to be paid shall be twenty-five cents for

each One Hundred Dollars (\$100.00) of the value thereof so shown.

(b) Upon the filing for record in the office of the State Tax Commission of any such list of securities, the owner of the securities listed therein or his agent, shall present said list of the State Tax Commission and pay to the State Tax Commission the amount of tax required under this section to be paid on account thereof, and upon such payment the State Tax Commission, or any member thereof or any of its assistants, shall certify on said list of securities the fact that the tax has been paid.

(c) The tax collected by the State Tax Commission under this Act, shall be paid by the State Tax Commission to the State Treasurer.

(d) There shall be no ad valorem tax assessed or collected upon any security included in any list on account of which the tax prescribed by this act shall have been paid, either State, county, or municipal, either for the year in which listed, or for any preceding year, and such listing and payment shall on and after the date thereof be a bar to any legal proceedings by or on behalf of the State or any county or municipality of the State for the enforcement or collection of any escape taxes on account of the security included in any such list.

Section 52. In event the securities hereinbefore mentioned are not listed as herein provided with the State Tax Commission, same shall become liable for State, County and municipal taxes.

Section 53. LEVY OF FRANCHISE TAX ON DOMESTIC CORPORATIONS—Every corporation organized under the laws of this State, except strictly benevolent, educational or religious corporations, shall pay annually to the State an annual franchise tax of Two Dollars (\$2.00) on each One Thousand Dollars off its capital stock.

Section 54. That every corporation organized under the laws of any other state, nation, or territory, and doing business in this State, except strictly benevolent, educational or religious corporations, shall pay annually to the State an annual franchise tax of Two Dollars (\$2.00) on each One Thousand Dollars of the actual amount of capital employed in this State. In ascertaining the annual franchise tax which shall be paid by any foreign corporation doing business in this State under this section, there shall be deduced from the amount of the capital employed by such corporation in this State the aggregate amount of loans of money made by such corporations in this State, and which shall be secured by existing mortgage or mortgages to it on real estate in this State, and upon which mortgages there shall have been paid the recording privilege tax provided by law.

Section 54½. If a corporation organized under the laws of any other state, nation, or territory, shall have heretofore merged

or consolidated, or shall hereafter merge or consolidate, with a corporation organized under the laws of the State of Alabama, and if more than seventy-five (75) per cent of the capital employed by such merged or consolidated corporation is located outside the State of Alabama, such merged or consolidated corporation shall, for the purposes of this act, be deemed, and held to be, a foreign corporation, and shall pay the franchise tax herein required to be paid by foreign corporations.

Section 55. That funds or capital employed in mutual building and loan associations incorporated under the laws of the State of Alabama, which funds are withdrawable by the members or certificate or stockholders shall not be deemed capital employed or taxable under the terms of the two preceding sections.

Section 56. On and after December 31, 1931, the franchise tax enacted of domestic and foreign corporations shall be One Dollar on each One Thousand Dollars of capital stock in the case of domestic corporations, and One Dollar on each One Thousand Dollars of the actual amount of capital employed in this State by foreign corporations.

Section 57. Remittance for the franchise tax required by above sections shall be made to the State Tax Commission, at Montgomery, Alabama, with checks payable to the State Treasurer of Alabama. One-tenth of the franchise tax collected shall be apportioned by the State Tax Commission to the several counties in which the corporation does business, in proportion to the amount of taxable property of such corporation in each of said counties, and the State Auditor shall draw his warrant payable to the County Treasurer of each county in such proportion, upon certificate of the State Tax Commission.

Section 58. WRITTEN STATEMENT UNDER OATH BY PRESIDENT OR OTHER OFFICER OF DOMESTIC CORPORATIONS TO STATE TAX COMMISSION. The president or any executive officer or the secretary of every domestic corporation subject to the franchise tax under this Act shall make a written statement under oath of the State Tax Commission showing the following facts: (1) The date and place of incorporation and the total amount of subscribed stock with which it began business; (2) the total authorized capital stock of the corporation; (3) a brief statement of all property, real and personal, owned by the corporation in Alabama, giving the location and value of such property by counties; (4) the balance sheet of such corporation as shown after closing its books on December 31st preceding or after closing its books at the end of its preceding fiscal year; (5) such other detailed information as the State Tax Commission may deem necessary to insure the collection of the tax due. The president or any executive officer or the secretary of every foreign corporation subject to the fran-

chise tax under this Act shall make a written statement under oath to the State Tax Commission showing the following facts: First: The date and place of incorporation, and the date such corporation qualified to do business in this State; Second: The total amount of its capital employed in this State; Third: A brief statement of all property, real and personal, owned by the corporation in Alabama, giving the location and value of such property by counties; Fourth: The amount of capital employed in this State which is secured by existing mortgages on real estate in this State, upon which mortgage there shall have been paid the recording privilege tax provided by law; Fifth: Such other detailed information as the State Tax Commission may deem necessary to insure the collection of the tax due. The statement required by this section shall be made on blanks prepared and furnished by the State Tax Commission on application of the corporation or otherwise, such blanks to be paid for out of the general appropriation for printing. Such written statements under oath to the State Tax Commission shall be made and filed with said State Tax Commission between the first day of January and the fifteenth day of March of the calendar year for the franchise tax to be paid for that calendar year.

Section 59. PENALTY FOR FAILURE OF DOMESTIC CORPORATION TO MAKE REPORT REQUIRED IN NEXT PRECEDING SECTION.—Any corporation failing to make the report required by the next preceding section or to furnish all the information demanded, on or before the fifteenth day of March of each year, shall be subject to a penalty of Ten Dollars a day for each day's failure, unless the time for filing the report has been extended by the State Tax Commission, or unless the State Tax Commission shall for good and sufficient cause remit the penalty provided in this section. Any suit for collection of this penalty shall be brought in the name of the State in any court of competent jurisdiction in Montgomery County, Alabama.

Section 60. HALF YEAR'S FRANCHISE TAX AFTER JULY FIRST.—If any Domestic Corporation is organized after the first day of July of any year, or if any foreign corporation qualifies to do business in the State of Alabama after the first day of July of any year, the amount of the franchise tax levied by this Act shall be, for the remainder of the calendar year in which said corporation is organized or qualified to do business, one-half of the year's tax.

Section 61. FRANCHISE TAX LEVIED FOR CALENDAR YEAR: WHEN DUE AND DELINQUENT; PENALTY MAY BE REMITTED. The franchise tax of domestic and foreign corporations as authorized and levied by this Act shall run according to the calendar year and shall be due on the first day of April of each year for the tax of the current calendar year.

Such corporation shall be allowed thirty days after the first day of April within which to pay said tax, but if delinquency continues after thirty days there shall be collected a penalty of one per cent (1%) for each month or part thereof that the tax shall remain unpaid after the beginning of the delinquent period. A foreign corporation, however, which has complied with provisions of this Act as to filing a sworn statement shall not be considered delinquent nor subject to the one per-cent monthly penalty until after thirty days from the date of the assessment against it by the State Tax Commission. Nothing in this section shall prevent suit against a foreign corporation which has failed to make the required report without an assessment first having been made against it by the State Tax Commission. The State Tax Commission, may for good cause remit the penalties provided in this section.

Section 62. BLANKS FURNISHED BY TAX COMMISSION; RECEIPT OF BLANKS NOTICE PAYMENT DUE APRIL FIRST—The reports to the State Tax Commission by any corporation, domestic or foreign, for the purpose of determining the amounts of franchise tax due by such corporation shall be made upon blanks to be furnished by the State Tax Commission, and it shall be made upon blanks to be furnished by the State Tax Commission, and it shall be the duty of said Commission to mail to the corporation such blanks, provided that the mailing of such blanks to a domestic corporation shall be a notice to such corporation that the payment of the franchise tax provided by this Act is due to be paid on the first day of April, and will be delinquent after thirty days from such date. And the due date of payment and the time of delinquency shall be printed in a prominent space on the front page of the blank forms herein provided in "red letters". All blank forms required for franchise tax reports shall be paid for out of the general appropriation for printing.

Section 63. REPORT OF DISSOLUTION BY PROBATE JUDGE AND CLERK; PENALTY FOR FAILURE TO REPORT DISSOLUTION. That whenever a corporation shall be dissolved in this State by an agreement of the stockholders filed in the office of the Probate Judge of the county wherein the corporation was organized, said Probate Judge shall at once give notice to the State Tax Commission and Secretary of State of such dissolution, with the name of the corporation, the amount of its capital stock, and the date of dissolution; and whenever a dissolution of a corporation organized under the laws of this State shall take place by decree of a court, upon the filing of a bill under the laws of this State by the creditors or stockholders, the clerk of said court shall at once notify the State Tax Commission and secretary of State of such dissolution, giving the

name of the corporation, the amount of its capital stock and the date of such decree of dissolution. In any cases where petitions are filed in any court by the creditors or stockholders for the dissolution of a corporation in case of insolvency thereof, the clerk of said court shall give notice of said suit and the pendency thereof to the State Tax Commission in order that the State Tax Commission may file a petition in the cause in the court for the purpose of collecting any unpaid franchise tax owing by said corporation. The failure of any probate judge or clerk of a court to make the report required by this section within thirty days from the date of dissolution shall subject such probate judge or clerk to a penalty of One Dollar (\$1.00) a day for each day's failure to make said report after the expiration of thirty days from said date of such dissolution.

Section 64. TAX COMMISSION MAY SUMMONS OFFICERS AND EMPLOYEES OF CORPORATION; EXAMINE BOOKS, PAPERS, ETC., PENALTY FOR REFUSAL OF EXAMINATION OF BOOKS. The State Tax Commission may summon before it any officer or employee of the corporation, or any other witness, swear and examine them with respect to any fact showing the amount of franchise tax due by such corporation, and the State Tax Commission or its representatives shall be allowed to examine any books, papers or documents of the corporation except reports, records of or copies of reports made to the Federal Government by or for the corporation for tax purposes, and if any corporation shall refuse to allow such examination to be made at their main office or principal place of business in Alabama, the State Tax Commission may require the production before it at the court house in the county in Alabama where the corporation has its main office or principal place of business of any books, papers or documents, except reports, records of or copies of reports made to the Federal government by or for the corporation for tax purposes. The summons of witnesses to appear before it or the notice to corporations to produce books, papers or documents before it may be issued in the name of the State Tax Commission, signed by the Secretary of said Commission, such summons or notice shall be directed to any sheriff of the State of Alabama and must be served by any sheriff to whom such summons or notice is delivered by the State Tax Commission for service. The State Tax Commission, any member thereof, or any authorized agent of said commission, is given full authority to inspect or examine, during business hours at the office of the corporation in this State where its books are kept, or, if said books are kept outside of the State, then at the office outside of the State where such books are kept by the corporation, all books, papers or documents of said corporation. Any person who willfully fails to appear before the commission

after being summoned as a witness or having appeared refuses to testify as to any material matters required of him by the commission, or any corporation or any agent thereof who refuses to produce before the commission after notice given him, any books, papers or documents required to be produced, or any corporation or agent thereof in custody of the books, papers or documents of the corporation who refuses to allow said State Tax Commission, any member thereof, or any authorized agent of said commission; to inspect or examine said books, papers or documents at the office of said corporation during business hours, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) and may also be imprisoned in the county jail for not longer than thirty (30) days.

Section 65. **FOREIGN CORPORATION FRANCHISE TAX ASSESSMENTS; HOW MADE; ASSESSMENT HAS EFFECT OF JUDGMENT.** The State Tax Commission shall, as soon as possible after the required report has been filed with it by a foreign corporation, ascertain and assess the amount of franchise tax due by such corporation. Such assessment shall be duly made and entered on the minutes of the commission and the commission shall thereupon notify such corporation by registered mail of the date and amount of the assessment. This assessment shall have the full force and effect of a judgment on which execution may be issued by the State Tax Commission, directed to any sheriff in Alabama, unless the corporation appeals from such assessment as allowed by this Act.

Section 66. **APPEAL MAY BE TAKEN BY STATE OR CORPORATION.** Either the State or the foreign corporation may appeal from the final assessment made by the State Tax Commission to the Circuit Court of Montgomery County sitting in equity, by filing notice of appeal with the Secretary of the State Tax Commission and with the register of the Circuit Court of Montgomery County, within fifteen (15) days from the date of said final assessment made and entered on the minutes of the commission as required by this Act. The State Tax Commission is required to give immediate notice to the Attorney General of said final assessment. In addition to filing notice of appeal, the corporation must give bond, to be approved by the Register of the Circuit Court of Montgomery County, in double the amount of said final assessment, payable to the State of Alabama and conditioned to pay such judgment as may be rendered against it in the Circuit Court. If the assessment appealed from by the corporation is sustained in the Circuit Court, the Five per cent (5%) penalty provided for herein shall be calculated to the date of the judgment and included as a part of the judgment against the corporation in the Circuit Court. If

the judgment against the corporation in the Circuit Court is for a less amount than the assessment made by the State Tax Commission, the said Five Percent (5%) monthly penalty shall not be included in the judgment against the corporation.

Section 67. PAYMENT OF FRANCHISE TAX DOES NOT EXEMPT FROM PAYMENT OF LICENSE OR PRIVILEGE TAX. The payment of the franchise tax required by this Act shall not exempt any corporation paying same from the payment of any regular license or privilege tax required by law for the engaging in or carrying on any business for which a license or privilege tax is required of individuals, firms or corporations.

Section 68. DOMESTIC CORPORATION REPORT TO TAX COMMISSION UPON ORGANIZATION; BLANKS; PENALTY MAY BE REMITTED. Each Domestic corporation immediately on its organization shall make and file with the State Tax Commission the statement required by this Act. Every Probate Judge of the State shall be supplied by the State Tax Commission with blanks for making such reports, to be used by the newly organized corporation in making the required report. A failure to make the required report and file same with the State Tax Commission within ten days after the date of organization shall subject the corporation to a penalty of Ten Dollars (\$10.00) a day for each day's failure after the end of ten days to make and file the required report, which penalty may be collected in one and the same suit in the name of the State against all parties liable therefor. Provided that for good cause entered of record the State Tax Commission may remit the penalties against all parties liable therefor on filing of the required report and payment of the franchise tax due, but not otherwise.

Section 69. FOREIGN CORPORATIONS REPORT TO TAX COMMISSION UPON QUALIFYING; BLANKS FURNISHED; PENALTIES. Each foreign corporation immediately after qualifying to do business in Alabama shall make and file with the State Tax Commission the statement required by this Act. The Secretary of State shall be supplied by the State Tax Commission with blanks for making such reports, to be used by the newly qualified corporation in making the required report. A failure to make the required report and file the same with the State Tax Commission within ten days after said corporation qualifies to do business in Alabama shall subject the corporation and its designated agent in Alabama to a penalty of Ten Dollars (\$10.00) a day for each day's failure after the end of ten days to make and file the required report, which penalty may be collected in one and the same suit in the name of the State against all parties liable therefor. Provided that for good cause entered of record, the State Tax Commission may remit

the penalties against all parties liable therefor in filing of the required report and payment of the franchise tax ascertained to be due, but not otherwise. The delinquent foreign corporation under this section, after filing the required report, shall be allowed to appeal from the final assessment of the State Tax Commission in the same manner as non-delinquent foreign corporations. If the assessment appealed from by the corporation is sustained in the circuit court of Montgomery County, the penalty provided by this section and the penalty provided under the provisions of this Act shall be calculated to the date of the judgment and included in the judgment rendered against the corporation in the Circuit Court. If the judgment against the corporation in the Circuit Court is for a less amount than the assessment made by the State Tax Commission, then the five per cent (5%) penalty provided by this Act shall not be included in the judgment against the corporation.

Section 70. FRANCHISE TAX PAID TO STATE TAX COMMISSION; PAYMENTS COVERED INTO STATE TREASURY. The payment of the franchise tax provided herein shall be made to the State Tax Commission of Alabama, at Montgomery, Alabama, with checks made payable to the State Treasurer of Alabama, and the State Tax Commission shall without delay, cover into the State Treasury, taking a receipt therefor all money received by it in payment of franchise taxes.

Section 71. The first franchise tax to be collected under this Act will be for the calendar year commencing January 1, 1928.

Section 72. The Tax Commission is hereby authorized and empowered to appoint a license inspector for each county, provided that the same person may be appointed for more than one county. It shall be the duty of the license inspector to scrutinize the records and stubs kept in the office of the Probate Judge and also to examine the license records of each city or town located in the county or counties of which he has been appointed license inspector and if it shall be reported to any license inspector or come to his knowledge that any person, persons, firms or corporations have failed or refused to make out a license for a business or occupation for which a license is required by the State, the license inspector shall forthwith cite such delinquent to appear before him at the courthouse of the county in which such citation is issued and show cause why the license or privilege tax required by law has not been paid and if such license is due, then the license inspector shall cause the delinquent to appear before the probate judge of the county and take out the same, but such probate judge shall not have the authority to determine the liability of such delinquent for such license, and shall in each case issue a license to the applicant therefor upon the payment by him of the amount or amounts prescribed in this Act. If such delin-

quent shall fail or refuse to take out license, the license inspector shall institute or cause to be instituted criminal proceedings against such delinquent, before any court having jurisdiction of such offense. In case of emergency the license inspector must commence the criminal proceedings in the first place. It shall be the duty of the license inspector to forward to the State Tax Commission at Montgomery on November first of each year, the names and addresses of all persons, firms or corporations in all cities and towns located in the county or counties for which they have been appointed license inspector, who have taken out a city license for a business or occupation for which a State license or privilege tax is required by the State; and on February first of each year the names and addresses of all persons, firms or corporations in all cities and towns located in the county or counties for which they have been appointed license inspector, who have taken out a city license for a business or occupation for which a State license or privilege tax is required by the State; since November first preceding; and on May first of each year the names and addresses of all persons, firms or corporations in all cities and towns located in the county or counties for which they have been appointed a license inspector, who have taken out a city license for a business or occupation for which a State license or privilege tax is required since February first preceding; and on October the first of each year the names and addresses of all persons, firms or corporations in all cities and towns located in the county or counties for which they have been appointed a license inspector, who have taken out a license for a business or occupation for which a State license or privilege tax is required since May first preceding. For performing the duties required by this section, the license inspectors are entitled to be paid by the delinquent, in addition to the license, fifteen per cent of the amount of the license so collected from each delinquent, which must be paid in all cases if report has been to the judge of probate of such delinquency, and if a criminal prosecution shall be commenced either by affidavit and warrant, or information or indictment, the license inspector shall be paid fifteen per cent of the penalty thereafter prescribed in such case, all cost and penalty to be in money, but in all proceedings under this Act, the license due October 1st shall not be delinquent before the first day of November of each year. Provided that such license inspector shall before entering upon his duties be required to enter into a bond in a sum to be fixed by the State Tax Commission, payable to the State of Alabama, conditioned as bonds of other State officers. License inspectors are authorized to appoint deputies, and the acts of such deputies shall be recognized as his acts, and he shall be responsible for the same. Such deputies shall receive no compensation for their

services out of the State or county revenue, except in cases as otherwise provided in this Act. All citations to delinquents shall be served by any lawful officer, or by the license inspector, or his deputy who shall be allowed as a fee One Dollar and Fifty Cents (\$1.50) for each citation served, to be taxed against the delinquent. From penalties collected the license inspector shall be paid all fees due him for services, as provided in this Act. The residue shall be paid two-thirds to the State and one-third to the county. License inspectors shall have the same power to arrest persons violating the revenue laws of the State as is now vested in the sheriffs of the State, and shall receive the same fees for such service. The State Tax Commission shall keep a record by counties in which, each month, it shall be entered the number of license issued by the probate judge for each and every business or occupation for which a State license tax is required, and such record shall be compared each month with the number of licenses issued by cities and towns for the same business or occupation. The license inspector shall be required to report to the State Tax Commission the reason for the failure to collect any licenses due the State which may be evidenced by the comparison of the report of the judge of probate and the report made, as herein required, of licenses issued by cities or towns.

Section 73. If the owner of any property which is by law required to be assessed by the State Tax Commission, is dissatisfied with the final assessment as fixed by the said Tax Commission, he or it may appeal from said final assessment made by the said Tax Commission to the Circuit Court of Montgomery, sitting in equity, by filing notice of appeal with the Secretary of the State Tax Commission and with the Register of the Circuit Court in Montgomery County within thirty days from the date of said final assessment made and entered on the minutes of the Commission as required by law. The State Tax Commission is required to give immediate notice to the Attorney General of said final assessment; provided, however, that no appeal shall suspend the right of the State and counties to collect from the tax payer the taxes due upon his property as fixed for assessment for the preceding year. In addition to filing notice of appeal, the owner of such property must give bond to be approved by the Register of the Circuit Court of Montgomery County, to cover the amount of taxes as would be due under said final assessment, payable to the State of Alabama and conditioned to pay such judgment as may be rendered against it in the Circuit Court. If the assessment appealed from by the property owner is sustained by the Circuit Court, said property owner shall pay all taxes due under said final assessment, together with all costs pertaining thereto when such assessment becomes due and the docket of such court shall show such judgment. If the judgment against the property owner in the Circuit Court is for a less amount than

the assessment made by the said Tax Commission, judgment shall be rendered showing the same. From the judgment of the trial court either the State or the tax payer may appeal to the Court of Appeals or to the Supreme Court as in civil cases, within thirty days from the rendition of judgment.

Section 74. LIEN OF STATE AND COUNTY FOR LICENSE TAXES; HOW MAY BE ENFORCED. That State and counties shall have a lien superior to all other liens upon all the goods, wares, and merchandise or any other property owned by any person, firm or corporation liable for the payment of license, franchise or other taxes due to the State or County, and all costs, which said lien may be enforced by attachment in one and the same suit and in the name of the State.

Section 75. WHEN LICENSES BECOME DUE. Except as otherwise provided, all licenses or privilege taxes shall be due on October first of each year, and shall be for one year ending September thirtieth following.

Section 76. LICENSE MAY BE ISSUED FOR HALF OF YEAR WHEN BUSINESS COMMENCED AFTER APRIL FIRST; LAST PRECEDING FEDERAL CENSUS GOVERNS POPULATION. If any business licenses by this Act shall commence after the first day of April in any year, the amount of the license or privilege tax shall be one-half of the year's license or privilege tax. In all other cases the license shall be taken out for the full term of one year, unless a shorter term is fixed by the provisions of this Act. In all cases where the amount of license is rated according to the population of the town, city or county, the population of such town, city or county, as fixed by the last preceding United States Census shall govern.

Section 77. All proceedings for the assessment or collection of any taxes now pending before any board or officer whose authority, power or jurisdiction is terminated by this Act, shall be and is immediately transferred from such officer, court or board, to the officer, court or board having authority and jurisdiction under this Act, and shall be prosecuted and then proceeded with as if originally commenced by or before such board or officer.

Section 78. The State Tax Commission shall have compiled, properly indexed and printed in pamphlet form, two thousand copies of this Act, together with all other laws relating to the revenue of the State, and relating to the assessment of the State and county ad valorem, franchise license and privilege taxes and relating to the duties of the several State and county officials in the assessment and collection of such taxes. The cost of compiling and indexing shall not exceed One Thousand Dollars (\$1000.00), which amount, or as much thereof as may be necessary, is hereby appropriated for this purpose and the State

Auditor shall issue a warrant for the same upon a certificate of the chairman of the State Tax Commission.

Section 79. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause or provision or portion of this Act which is not in and of itself unconstitutional.

Section 80. Except as otherwise provided in this Act, all the provisions of this act shall go into effect on the first day of October, 1927.

Section 81. All laws in conflict with the provisions of this Act are hereby repealed, provided that all provisions of existing laws relating to taxation and revenue which are not in conflict with the provisions of this Act and which are not herein expressly repealed, are not hereby repealed.

Approved July 22, 1927.

No. 165)

(S. 328. Ellis of Shelby

AN ACT

To validate, legalize and confirm elections heretofore held under the provisions of article 12, Section 223 to 246 inclusive of the school code of Alabama, 1924, providing for elections to authorize any county in the State to levy and collect special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize Boards of Education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities.

Be it Enacted by the Legislature of Alabama:

Section 1. That all elections, whether in school districts or Counties, which have heretofore been held under the provisions of Article 12, Sections 223 to 246 of the School Code of Alabama, 1924 to determine whether any County in the State shall levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, or to determine whether any district, in any County that may be levying special County taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county shall levy a special district tax for school purposes not to exceed thirty (30) cents on each one

hundred dollars (\$100.00) worth of taxable property in such school district which said elections resulted in a majority of the votes cast being in favor of the special tax for school purposes, be and the same hereby are validated, legalized and confirmed and made effective in all respects notwithstanding any defect or irregularity occurring prior to or in the actual holding of said elections or by reason of the fact that the returns of any such election held in the county at large were canvassed by the Court of County Commissioners or other governing body of the County instead of by the regular election officers of the County, or by reason of the failure to publish or post a report of the result of any such county or district election; provided that this act shall not apply to districts in which said three mill tax election has been held and declared to be illegal prior to the passage of this act by the Board of County Commissioners of the County in which said election was held.

Approved July 28, 1927.

No. 166)

AN ACT

(H. 585 Tunstall

To make appropriation of three hundred thousand (\$300,000.00) Dollars, or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sums of Three hundred thousand Dollars (\$300,000.00) or so much thereof as may be necessary, to defray the expenses of the present session of the Legislature.

Approved July 28 1926.

No. 171.)

AN ACT

(H. 600. Goodwyn.

To amend Section 22 of an Act "to provide and create a commission form of Municipal Government and to establish same in all cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last federal census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder; to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said commission form of government." Approved Sept. 18, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 22 of an Act "To provide and create a Commission form of Municipal Government and to establish same in all cities of Alabama which now have or which may hereafter have a populaion of as much as twenty-five thousand and less than fifty thousand people, according to the last Federal census, or any such census which may hereafter be taken; to regulate the selection and election of Commissioners and their terms of office to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder: to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government." Approved Sept. 18, 1923. be amended so as to read as follows:

"Section 22:—The commission shall each month print in pamphlet form a detailed statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the daily newspaper of the city and to persons who apply therefor. At the end of each year the commission shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures.

This Act became a Law under Section 125 of the Constitution of Alabama.

No. 172)

(H. 612 Miller of Sumter

AN ACT

To further prescribe the duties and fix the salary of the Court Reporter of the Seventeenth Judicial Circuit of Alabama and to provide for the payment of same.

Be it Enacted by the Legislature of Alabama:

Section 1. That from and after the passage of this act, the Official Court Reporter of the Seventeenth Judicial Circuit of Alabama shall receive a salary of twenty-seven hundred dollars (\$2700.00) per annum, payable as provided by law for the payment of Court Reporters.

Section 2. In addition to the duties now required by law of Court Reporters; the Official Court Reporters of the Seventeenth Judicial Circuit, when not engaged in his regular duties in the Circuit Court, shall report the oral testimony and proceedings in all contested will cases in the Probate Courts of the several counties composing the Seventeenth Judicial Circuit and all habeas corpus proceedings, and all preliminary hearings in all capital

cases before a committing magistrate in said counties when ordered to do so by the Judge of the Seventeenth Judicial Circuit.
Approved July 21, 1927.

No. 174)

(H. 303. Shepherd

AN ACT

To repeal an Act entitled an Act to provide for a clerk to the Tax Assessor in Counties having more than 37000 population and less than 37400 population, according to the 1910 Federal census, to prescribe the duties of such clerks and provide for their appointment and compensation.

Be it Enacted by the Legislature of Alabama:

Section 1. That an Act entitled an Act to provide for a clerk to the Tax Assessor in Counties having more than 37000 population and less than 37400 population, according to the 1910 Federal census, to prescribe the duties of such clerks and to provide for their appointment and compensation be and the same is hereby repealed.

Approved July 28, 1927.

No. 187.)

(S. J. R. 65. Nixon

SENATE JOINT RESOLUTION

RESOLVED BY THE SENATE THE HOUSE CONCURRING. That a cordial invitation be extended to Col. Lindbergh to visit the State Capital of the greatest State in the union—"Alabama" when he makes his Southern tour. That the Governor be requested to extend the invitation.

Approved July 28, 1927.

No. 189)

(H. 599 Rogers of Mobile

AN ACT

To permit State officers to reduce the number of copies of their official reports, when printed.

Be it Enacted by the Legislature of Alabama:

Section 1. Permission is authorized to any State official who, by law, is required to publish an annual, bi-ennial or quadrennial report, to reduce the actual number of printed copies now required by law, if in the opinion of said officer a decreased number of copies will adequately supply the needs of his respective department, and also supply the public demand.

Section 2. Provided that where more than five hundred copies are now required by law, the number of printed copies may not be reduced to less than five hundred copies.

Section 3. All laws and parts of laws in conflict herewith are hereby repealed.

Approved July 28, 1927.

No. 190.)

(H. 379. Rogers of Mobile.
AN ACT

To provide and submit to the qualified voters of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of this session of the Legislature, an amendment to the Constitution of the State of Alabama whereby the municipal corporation of Citronelle, in the State of Alabama, may, through the governing body of said town, with the approval of a majority vote by ballot of the duly qualified electors of said town, voting at a general or a special election called for that purpose, become indebted in an amount, over and above the amount of indebtedness said town is otherwise authorized by the Constitution and all other amendments thereto to incur, not exceeding four per centum of the assessed value of the property therein.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration and action at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of this session of the Legislature. The proposed amendment is as follows: The Town of Citronelle may, through the governing body of said town, with the approval of a majority vote by ballot of the duly qualified electors of said town, voting at a general or a special election called for that purpose, become indebted in an amount, over and above the amount of indebtedness said town is otherwise authorized by the Constitution and all other amendments thereto, to incur, not exceeding four per centum of the assessed value of the property therein. In calculating the indebtedness of said town, there shall not be included any classes of indebtedness which are not included in other provisions of the Constitution limiting the indebtedness of said town. Each election held under the provisions hereof shall be ordered, held, canvassed, and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words: "For an increase of the indebtedness of the Town of Citronelle, in the sum of \$.....", and "Against an increase of the indebtedness of the Town of Citronelle, in the sum of \$.....". The amount of increased indebtedness proposed shall be shown in the blank space provided therefor. And the voter shall record his choice, whether for or against the increase

in indebtedness of the Town of Citronelle, by placing a cross-mark before or after the words expressing his choice. Nothing herein contained shall in anywise change or affect the rights of any holder of bonds of said municipal corporation heretofore issued. Elections to authorize the incurring of such additional indebtedness may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to determine whether there shall be an increase in the indebtedness of the municipality, in a certain amount, and such proposition is defeated, no second election for the same purpose and submitting a proposition of increasing the indebtedness of said town in the same amount shall be held in one year thereafter.

Section 2. That notice of the election hereby ordered, together with a copy of the amendment hereby proposed shall be given by a proclamation of the Governor; which shall be published in one newspaper in each county in the state once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of said notices shall be paid out of the State Treasury in the same manner as expenses of other elections are paid.

Approved August 2, 1927.

No. 191.)

(H. 629. Vickers.

AN ACT

To provide for and submit to the qualified electors of the State of Alabama an amendment to the Constitution of Alabama, authorizing the City of Mobile, in addition to the taxes it is now or may hereafter be authorized and empowered to levy and collect, to levy and collect annually an additional tax on the property situated therein, for general municipal purposes, not to exceed that portion of the three fourths of one per centum authorized by Section 216 of the Constitution of Alabama to be levied to pay the debt existing on the 6th day of December, 1875, with interest thereon, or any renewal of such debt, which shall not be levied or be required to be levied and collected during such year, to pay, at maturity, the said debt existing on the 6th day of December, 1875 with interest thereon, or any renewal of such debt provided that the Legislature of Alabama may, from time to time reduce the limit of additional taxation authorized thereby; and ordering an election by the qualified voters of the State of Alabama upon such proposed amendment, such election to be held on the second Tuesday next after three months after the date of the final adjournment of this session of the Legislature.

Section 1. *Be it Enacted by the Legislature of Alabama* that the following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the quali-

fied voters of the state upon such proposed amendment, to be held on the second Tuesday after the expiration of three months after the date of the final adjournment of the present Legislature, at which said amendment shall be voted upon, the proposed amendment is as follows; "The City of Mobile, Alabama, in addition to the taxes it is now or may hereafter be authorized and empowered to levy and collect, may levy and collect annually an additional tax on property situated therein for general municipal purposes, not to exceed that portion of the three fourths of one per centum authorized by Section 216 of the Constitution of Alabama to be levied to pay the debt existing on the 6th day of December, 1875, with interest thereon, or any renewal of such debt, which shall not be levied or be required to be levied and collected during such years to pay, at maturity, the said debt existing, on the 6th day of December, 1875, with interest thereon, or any renewal of such debt; provided, that the Legislature of Alabama may, from time to time, reduce the limit of Additional taxation authorized hereby."

Section 2. It is ordered by the Legislature that an election by the qualified electors of this state upon the aforesaid proposed amendment to the Constitution of Alabama be held on the second Tuesday next after three months after the date of the final adjournment of this session of the Legislature.

Section 3. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 4. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other electins are paid.

Approved August 3, 1927.

No. 193.)

AN ACT

(H. 257. Frey.

To create a fund to be used by the Sheriff of each County in the State of Alabama having a population of 200,000 or more, according to the last or any subsequent Federal census, for the purpose of defraying the expenses of sending for, returning and transporting prisoners and fugitives from justice, and to provide for the expenditure and replenishing of said fund.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue or other like governing body of each County, in the State of Alabama having a pop-

ulation of 200,000 or more, according to the last or any subsequent Federal census, shall immediately draw a warrant upon the County Treasurer of such County in favor of the Sheriff in the sum of One Thousand (\$1,000.00) Dollars and the Treasurer of each such County shall pay said amount to the Sheriff to establish a fund to be used by the Sheriff in defraying the expenses of sending for, returning and transporting prisoners and fugitives from justice.

Section 2. The Sheriff shall be liable upon his official bond for said fund and for any unlawful or improper use of the same or any part thereof, and the Sheriff shall keep an itemized account of all expenditures made by him from said fund.

Section 3. Said fund shall from time to time be replenished from sums received by the Sheriff from the State to reimburse the Sheriff for sums expended in defraying the expenses of sending for, returning and transporting prisoners or fugitives from justice.

Section 4. This Act shall go into effect immediately after its passage.

Approved August 2, 1927.

No. 199.)

“AN ACT

(H. 678. Merrill.

To Amend Section 10362 of the Code of Alabama of 1923.”

Be it Enacted by the Legislature of Alabama:

That Section 1. Section 10362 of the Code of Alabama of 1923 be, and the same is hereby amended so as to read as follows: Each and every change in location, or vacation or attempted vacation of any road, street, avenue, or alley, or any part thereof by the owner of the lands upon which such road, street, avenue, or alley is located, when such vacation or change of location when made, was assented to, acquiesced in or authorized by the municipal authorities of the city or town within which such road, street, avenue or alley was, or is now located, or which has been or may be hereafter ratified or confirmed by such municipal authorities, is validated, ratified and confirmed and all rights of the public in such road, street, avenue or alley, or part thereof so vacated or attempted to be vacated, including all rights acquired by prescription, are relinquished and abandoned. No provision in this section shall enlarge, abridge or destroy or in any wise impair the rights of party litigants and the public by virtue of any suit pending in any of the courts of this state on July 1, 1927.

Approved August 2, 1927.

No. 200)

(H. 679 Merrill

AN ACT

To amend Section 10361 of the Code of Alabama of 1923."

Be it Enacted by the Legislature of Alabama, that:

Section 1. Section 10361 of the Code of Alabama of 1923 be, and the same is hereby amended so as to read as follows: Any street or alley shown by any map, plat or survey, whether such map or plat be executed and recorded as provided in Section 10357 (6028) and 10358 (6029) of the Code or not, may be vacated, in whole or in part by the owner or owners of the lands abutting the street or alley (or that portion of the street or alley desired to be vacated), or their executors, administrators or guardian, joining in a written instrument declaring the same to be vacated, such written instrument to be executed, acknowledged and recorded in like manner as conveyances of land, which declaration being duly recorded shall operate to destroy the force and effect of the dedication by the map, plat or survey, and to divest all public rights, including any rights which may have been acquired by prescription, in that part of the street or alley so vacated. If any such street or alley is within the limits of any municipality, the assent of the mayor and aldermen or other governing body of the municipality, must be procured, evidenced by a resolution adopted by such governing body, a copy of which, certified by the clerk or ministerial officer in charge of the records of the municipality must be attached to, filed and recorded with the written declaration of vacation. Convenient means of ingress and egress to and from their property shall be afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey, either by the remaining streets and alleys dedicated by such map, plat or survey, or by any other street or alley being dedicated. If such street or alley has been or is being used as a public road, and outside of any municipality, the assent of the board of revenue or court of county commissioners of the county in which the property is situated must be procured, evidenced by resolution adopted by such board or court, a copy of which certified by the chairman or president or other head thereof, must be attached thereto, filed and recorded with the declaration of vacation.

Approved July 28, 1927.

No. 201.)

(H. 574. Sanderson

AN ACT

Relating to dependent, neglected or delinquent children in all counties of Alabama, which now have, or which hereafter may have, a population of not less than seventy-five thousand people and not more than ninety-

five thousand people according to the last Federal Census or any such census that may be taken hereafter; to declare who are dependent, neglected or delinquent children, to declare that such children shall be wards of the state, to provide for their custody, discipline, supervision, care, protection, guardianship, and welfare; to create and establish in such counties Juvenile and Domestic Relations Courts and to provide for their equipment and maintenance; to create and confer upon such courts jurisdiction under the terms of this Act; to try and determine the question of dependency, neglect or delinquency of children in such counties; and when found to be such to adjudicate and determine all questions as to their guardianship, custody, supervision, discipline, care, control, protection and training, and generally to confer upon such court jurisdiction and power to try and determine all questions arising under the terms of this Act or which may otherwise be referred to them by law for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction or to carry out the purpose and intent of this Act; to provide for the trial and punishment of those who aid, abet, cause or connive at or contribute to the delinquency, neglect or dependency of such children; to provide and regulate the procedure in such cases; to confer power upon such courts to make rules and regulations; and to provide such forms when not otherwise provided for, under the terms of this Act as shall be found necessary or convenient to the exercise of its jurisdiction or for the conduct of probation officers or their work, as provided for in this Act; to provide for the taking and enforcing of recognizances and bonds; and for the taking of appeals from the decisions of such court; to provide for the trial of any delinquent in a criminal court of competent jurisdiction who has shown himself or herself to be unamenable to the discipline provided for such delinquent as provided under the terms of this Act; and for the appointment of an Advisory Board to such court and to define the duties and powers of such court; to provide for the selection of the judge and other officers of such court and to define their powers and duties; and to provide for their compensation; to declare that should any part of this Act be found unconstitutional that it shall not affect the remainder thereof and to provide for the repeal of all laws in conflict with this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this state now having, or which may hereafter have, a population of as many as seventy-five thousand and not more than ninety-five thousand people according to the last Federal census or any such census which may hereafter be taken; all dependent, neglected or delinquent children as defined herein, residing or being actually in such counties, for the purposes of this Act only, shall be considered wards of the State, and in need of its care and protection; and shall be subjected to all the terms of this Act, and to the jurisdiction, custody, control, discipline, supervision, and guardianship of the court hereinafter created, and shall be dealt with by said court as provided for herein.

Section 2. That for the purpose of this Act, the words "dependent child" and "neglected child" shall mean any male child who, while under sixteen years of age, or any female child who, while under eighteen years of age, residing or being in such

county for any reason is destitute, homeless, abandoned or its dependent upon the public for support, or who engages in any occupation, calling, exhibition, or is found in any place, for permitting which an adult may be punished by law; or who so deportes himself or herself, or is in such conditions or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health or general welfare of such child; or whose custody is the subject of controversy; or who comes within the provisions of any law, regulation or ordinances for the education, care or protection of children, or who, for any cause, is in need of the care or protection of the State.

Section 3 . That for the purpose of this Act, the words "delinquent child" shall mean any male child who, while under sixteen years of age, or any female child, who while under eighteen years of age, being or residing in such county, violates any penal law of the United States or of this State, or any regulation, ordinance, or law of any city, town or municipality of such county, or who commits any offense or act for which he or she could be prosecuted in a method partaking of the nature of a criminal action or proceeding.

Section 4. That in each and all counties in this State which have a population of as many as seventy-five thousand people and not more than ninety-five thousand people according to the last Federal census, or which shall have such population according to any census that may be taken hereafter, there be and is hereby created a juvenile and court of domestic relations, which court shall have and exercise in said county the jurisdiction, functions and powers which are herein, or which may hereafter be conferred by law or law courts.

Section 5. That said court shall have original and exclusive jurisdiction to hear, determine and adjudicate all questions and cases coming within the terms and provisions of this Act, and shall have power under the terms of this Act to determine the question of dependency, neglect or delinquency of any child or children in such county, and when so adjudicated to declare such children to be for the purpose of this Act, wards of the State; and to make and enter such judgments or orders for their custody, discipline, supervision, care, protection and guardianship, as in the judgment of the court will be for the welfare and best interest of such child or children. The judges of said courts shall have power to issue writs of arrest and habeas corpus, upon proper showing to have brought before said court any child alleged to be dependent, neglected or delinquent as herein defined, to be dealt with under the terms of this Act. Said courts, as to said dependent, neglected or delinquent children, shall have and exercise the jurisdiction and power possessed by chancery courts in this State, but shall not have power to affect any property rights

of such child or children and provided that nothing contained herein shall deprive court of general jurisdiction in such counties of the right to determine the custody of children upon writs of habeas corpus, and providing that such courts shall not be deprived of the right to determine the custody of such children where such custody is incidental to the determination of a cause pending in such courts, but such courts may decline to pass upon such questions or to issue writs and certify same to the juvenile courts of said counties for hearing and determination.

Section 6. There shall be elected by the Senate immediately upon approval of this Act a judge of said Court whose term of office shall be for four years from date of said election and until his successor is elected and qualified, said successor in each case being elected by the Senate and in the event of a vacancy in said office caused by the death, the resignation, or the removal of said judge his successor shall be appointed by the Governor for the unexpired term. The said judge shall have been a citizen of the United States and of the said county for at least five years before his election, shall be learned in the law, and shall not be less than twenty-seven years of age. He shall be a man of high moral character, clean life, and shall be selected for his special fitness by reason of training, education and experience in dealing with dependent, neglected or delinquent children, as defined in this Act. During the term for which he is elected, he may not engage in other businesses, but must give such time and attention to the duties of the office as the needs of the said Juvenile and Domestic Relations Courts of said counties may require or demand. Said Juvenile and Court of Domestic Relations shall be considered open at all times for the transaction of all business necessary and incident to carrying out the purposes of this Act. The salary of the judge of said Court shall be Twenty-four hundred (\$2400.00) Dollars per annum, payable in twelve equal monthly installments out of the general fund of the counties in which said Courts are located and exercise their jurisdiction. There shall also be appointed by the Judge, with the approval of the Advisory Board herein set up, a clerk of said court who shall hold office during the term of the judge of said court. It shall be the duty of said Clerk to keep the minutes of said court and all other records pertaining thereto. The Clerk shall have the power and authority to do all acts and things and perform all other duties, ministerial and judicial, where there is no contest, that the judge of said Courts could do or perform, except to sentence to hard labor for the county. Such clerks must, before entering upon the duties of the office, take the oath directed to be taken by the officers of this State and give a bond, with surety, payable to the judge of said court, in such sum not exceeding three thousand dollars as he may prescribe, upon which bond

such clerks shall be liable to such judge in consequence of any act of misfeasance or malfeasance of such clerks in the duties of their office. Said bond to be approved by the judge of said court, filed and recorded in the office of the Judge of Probate of said county. All of the official acts of such clerks must be performed in the name of the judge of said court, except where there is a vacancy in that office. The salary of the clerk of said Court shall be eighteen hundred dollars per annum, payable in twelve equal monthly installments out of the general fund of the county in which said Court is located and exercise its jurisdiction. If in any matter or proceeding arising in this Court or in reference to which the judge thereof is required to exercise jurisdiction or authority or to perform duty, the judge or clerk is incompetent for any legal cause, or shall be absent, sick or otherwise disqualified from acting, he or his clerk must certify the fact of incompetency, absence, sickness or disqualification to the Register of the Circuit Court, or if the Register is incompetent, to the Judge of the Circuit Court; and such Register or Judge must, upon such certificate, appoint a disinterested person in the county, learned in the law, to act as special judge of the Juvenile and Court of Domestic Relations; and such special judge, in relation to such matter or proceeding, shall have the jurisdiction and authority and discharge the duties of the judge of the Juvenile and Court of Domestic Relations and judgments, orders and decrees made or rendered by him shall be entered on the records of such court, and shall have the force and effect and shall be subject to revision on appeal, or by other revisory remedy, of judgments, orders and decrees of such Juvenile and Court of Domestic Relations or of the judge thereof. Such special judge shall for the time in which he serves as such special judge receive the same compensation as said regular judge; provided that not more than \$400.00 shall be paid out of the funds of the county in any one year for the services rendered or duties performed by such special judge or special judges as may be appointed under the provisions of this section.

Section 7. The style of the proceeding in said courts shall be: State of Alabama, in the matter of (here insert the name) a child under sixteen years of age if a male and eighteen years of age, if a female. Any person having knowledge or information that a child who resides in, or who is actually within said county, is within the provisions of this act, are subject to the jurisdiction of said courts herein created, may file with said courts a verified petition, which petition shall set forth the name, residence and age of the child, and name and residence of the parents if known to the petitioners, and the name and residence of the person or persons having guardianship, custody, control and supervision of such child, if the same be known or can be as-

certained by petitioners, or the petition shall state that they are unknown if that be a fact. The petitioner shall state the facts which bring said child within the provision of this Act, and it shall be sufficient for that purpose to aver that the child mentioned therein is "dependent", "neglected" or "delinquent" as the case may be, "and in need of the care and protection of the State in that" (here stating sufficiently the fact which brings said child within said term as herein defined) and shall be sworn to by petitioner, but such affidavit shall be made upon the information and belief of affiant.

Section 8. Upon the filing of the petition with the court, or an order of transfer, or after causing an examination to be made by an officer or other person, the court or judge thereof may forthwith cause a summons to be issued, signed before the court, requiring the parent, guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be found to appear with the child at such time and place as may be stated, in the summons, to show why the child should not be dealt with according to the provisions of this Act.

Section 9. Service of such summons within said counties shall be made personally by delivering to and leaving with the person summoned a true copy thereof. If the child mentioned in the petition or order of transfer be present in court, no summons to said child shall be necessary to give the court jurisdiction of such a child. When the person named in the summons, other than the child, is present in court, or is a non-resident of the county, or cannot be found, or where said child is in court by reason of the violation of any law of the State or of any municipality of said counties, service of a summons upon such other persons named in the summons shall not be necessary to give the court jurisdiction; but if such other person be not present in court, or if for any of the reasons set out above, has not been served with a summons, the court must appoint a probation officer or some other person to act as guardian ad litem to represent the interest of such child, and such guardian ad litem shall be present at the hearing of said case to represent said child. In case where summons is necessary it shall be sufficient to confer jurisdiction if service is effected, at any time before the time fixed in the summons, for the return thereof, but the court shall not proceed with the hearing earlier than the next day after the date of service, if objection be made by the party served, or by a guardian ad litem appointed to represent the interest of such child. Proof of service may be made by the affidavit of the person who delivered the copy of said summons to the person named, if the summons be not served by an officer, but if served by a state, county or municipal officer, his return shall be suf-

ficient without oath, the summons shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for contempt, as hereinafter provided. The court may, in its discretion, call upon the solicitors of said counties or of the judicial districts to assist the court in any proceedings under this Act; and it shall be the duty of such solicitors to render such assistance when so requested, and said solicitors shall represent the State in all cases appealed from the said courts to the other courts; and the sheriffs of said counties shall serve all papers directed by the court or Judges thereof to be served by him, but all papers, summons and process issued from said court in such proceedings, may be served by any person selected by the courts, or the judges thereof for that purpose. When the sheriff serves the papers directed to him under the terms of this Act a suitable allowance shall be made to him by the Boards of Revenue or courts of county commissioners as the case may be of said counties for his actual or necessary disbursements in effecting such service.

Section 10. Upon the return of the summons, or at the time set for the hearing, the courts shall proceed to hear and determine the case. At such hearings the nature of the proceedings shall be explained to the child and to the parent, custodian or guardian. The judge of such court may conduct examination of witnesses and may take testimony and inquire into the habit, surroundings, conditions, tendencies and guardianship of said child to enable the court to determine if such child is dependent, neglected or delinquent, and if so, what order or judgment will best conserve the welfare of said child and carry out the objects of this Act. If said child is found by the Court to be dependent, neglected or delinquent, the court shall so adjudicate, and thereafter, unless such finding and judgment be annulled on appeal as herein provided for, said child shall, during his or her minority, or so much thereof as the court shall consider to be for the best interest of said child, for the purpose of this Act, be considered a ward of the State, and subject to the guardianship of the court as herein provided for after such hearing and adjudication, the court may place the child under the care and control of the probation officer and may allow such child to remain in its home subject to the visitation of the probation officer, to be returned to the court by such parent or probation officer when ordered to do so by the court or judge thereof, for further proceeding, whenever said action may appear to said court or judge thereof as necessary; or the court may order the child to be placed in a suitable family home willing to receive it, subject to the friendly visitation and supervision of a probation officer, and the further order of the court; or it may authorize the child to be boarded

out in some suitable family home in such manner as is now, or may hereafter be provided, by law or arranged by voluntary contribution or otherwise for such board, until a suitable provision may be made for such child in a home without such payment; or the court may commit such child to any orphanage or institution for the care of children in this State, which is willing to receive it; or the court may commit such child to any person, institution, association or corporation willing to receive it, that may care for children in the State of Alabama; or the Court may commit any delinquent white boy to the Alabama Boys' Industrial School and any delinquent white girl to the State Training School for Girls, and any dependent white girl who is in danger of becoming delinquent, to the Alabama Vocational School; or the court may commit such child to any other State institution which is now, or may be hereafter, established to receive and care for children coming under the provisions of this Act; or the court may make such other order or judgment as to the court shall seem to be for the best interest of the child. It is hereby made the duty of the judge of said court to cause a thorough investigation to be made as to the fitness of any custodial agency, except state institutions, that receive and care for such children before committing such children to such custodial agency. During the probation period, and during such time when such children shall be committed to any institution or to the care of any society or association or person for custodial purposes, such children shall be subject to personal visitation of such probation officer or other agent of said courts as may be appointed for that purpose; and any final order or judgment of the court in the case of any such child shall be subject to modification from time to time as the court may consider best for the welfare of the child, and no commitment of any such child to any institution or other custodial agency shall deprive the said courts of the jurisdiction to change the form of the commitment or transfer the custody of the child to some other institution or agency on such conditions as the court may see fit to impose during the minority of said child. The duty being constant upon the court to give to such child subject to its jurisdiction such oversight and control as may conduce to the welfare of said child and the best interest of the State; and said court may at any time by order enter upon the records of said court relieve or discharge any such child from custody or control in which it may be at such time, subject to be retained and put in control or custody on failure to comply with the terms and conditions that may be prescribed in said order of the court. In committing any child to any custodial agency, or placing it under any guardianship other than that of its natural guardian, the said court shall, as far as practicable, select as the custodial agency, some individual hold-

ing the same religious belief, if any, as the parents of such child, if any, or some institution or association governed by persons of the same religious faith as that of the parents of the child unless the institution be a state, county or municipal institution.

Section 11. Said court shall have power upon the hearing of any such case involving any child to exclude the general public from the room when said hearing is held, but it shall admit thereto all such persons as may have a direct interest in the case. The records of all such cases may be held from indiscriminate public inspection, but said record shall be at all reasonable times open to inspection by such child, its parents or guardian, or its attorney or the attorney for its parents or guardian and the State Child Welfare Department, or its accredited Agents. The hearing and proceedings hereinafter provided for may be conducted in the judges chamber or in any other room or apartment that may be provided for such cases, or within such places in the counties as may be convenient to the court and all parties concerned. No adjudication or judgment under the provisions of this Act shall operate to disqualify the child from any office in any State, municipality or from any civil service under any part of the government, and such child shall not be denominated or held to be a criminal by reason of such adjudication, nor shall such adjudication be held to be, or denominated a conviction.

Section 12. Nothing in this Act shall be construed as forbidding the arrest in any county, without warrant, of any child, as is now, or may hereinafter be provided by law. Whenever a male child under sixteen years of age, or a female child under eighteen years of age, and who otherwise comes under the provisions of this Act, is brought to court before any other magistrate or court in such counties, such magistrate or court shall forthwith, by proper order, transfer the case to the said Juvenile and Court of Domestic Relations of such counties. Such magistrate or court may, however, admit such child so transferred to bail or release such child into the custody of some suitable person to appear before the said Juvenile and Court of Domestic Relations at the time designated in said undertaking of bail or in said order of transfer. All informations, depositions, warrants and other processes in the hands of such magistrates or courts, shall be given by him or the clerk of said court and forthwith transmitted to the clerk of said Juvenile and Court of Domestic Relations and shall become a part of its records. Said Juvenile and Court of Domestic Relations shall thereupon have jurisdiction of said cause, and shall proceed to hear and determine said case in the same manner as if the proceedings had been instituted in the said court by the petition as herein provided.

Section 13. If in the course of the proceedings instituted under this Act, it shall appear to said court that the welfare of said

child will be best promoted by the appointment of a general guardian of his property and of his person, when such child is not committed to any institution or to the custody of any incorporated society, the judge of such Juvenile and Court of Domestic Relations shall apply to the probate judge of said counties for the appointment of such guardian. In any case arising under this act the judge of such courts may determine as between parents whether the father or the mother shall have the custody, education and control of such child.

Section 14. When any child is found to be dependent, neglected or delinquent, and the court, in its discretion, shall take the custody of the child from its parents, or either of them, or from the custody of any person or persons liable for its support and place it in the custody of the other parent, or in any institution or custodial agency, the court may, after service of an order to show cause, upon the person from whose custody the child has been taken why the said child should not be supported by the said person, order and adjudge that expenses of caring for the said child by the other parent, custodial agency, or institution, public or private, appointed by the court, shall be paid such person or persons, and in the event such person or persons shall be adjudged liable to pay such expenses for the care of such child may direct how said money shall be paid to said institution, or other parent, and when the same shall be paid; and in the event that such person so adjudged liable to pay such expenses, wilfully or without just excuse, fails or refuses to pay same in accordance with the court's said order, said person so failing to pay same shall be in contempt of the court, and may be punished as hereinafter provided for the punishment of contempt of court. An appeal may be taken from said court adjudging said person liable to pay said expense for the support of said child as provided for in section 4 of this Act, and when such appeal is taken, such order shall be suspended until such appeal is determined.

Section 15. It shall be the duty of the court when practicable, and for such purposes said court shall have authority to cause all children coming under its jurisdiction to be examined by any duly licensed and practicing physician. Should any such child be found to be in need of medical care, the court shall have jurisdiction and authority to order such child treated in either a public or private hospital, or otherwise given such care as shall be for the best interest of the said child. In the event that the petition filed in said court avers that the child mentioned therein is in immediate need of medical care, or when any child named in such petition, or who has been transferred to said court by any other court, appears to need such care, the court shall have the authority to order such examination of such child, by such phy-

sician, before the hearing of the said petition, and if such examination discloses that such child is in immediate need of medical care, the court shall have authority to order such child treated in such private or public hospital, or otherwise given such care as shall be for the best interest of such child. Any such expense incurred by order of such court shall be a charge against the county wherein said court is located and has its jurisdiction, and shall be paid by such county when certified by the judge of said court as correct.

Section 16. The judges of such Juvenile and Court of Domestic Relations may arrange with any incorporated or unincorporated society or association that maintains or is willing to maintain a shelter or suitable place of detention for children in such counties, and for the use of such place as a shelter or parental school for children coming within the provisions of this Act, and may make and enter orders which shall be effectual for that purpose, and the cost, of said maintenance shall be a valid charge against such county when recommended by the Advisory Board hereinafter provided and approved by the judge of such court.

Section 17. The judge of such Juvenile and Court of Domestic Relations of such county shall appoint a chief probation officer and one deputy probation officer with the approval of the Advisory Board herein provided for to carry out the spirit and intent of this Act, whose duty it shall be to act under the direction of said court in cases arising under this Act. The chief probation officer so appointed shall receive a salary of not exceeding eighteen hundred dollars per year, and said deputy probation officer shall receive a salary of not exceeding twelve hundred dollars per year, the amount of the respective salaries to be received by said probation officers within the said limits shall be fixed and regulated as occasion may require by the judge of the Juvenile and Court of Domestic Relations with the consent and approval of the said Advisory Board of said court, hereinafter provided for, which said respective salaries shall be payable monthly out of the general funds of said counties. Said judge may also, if found necessary for the adequate care and protection of the children under the jurisdiction of the court, appoint one or more volunteer probation officers who shall serve without compensation from the county treasury, upon such condition as the judge may prescribe for the successful operation of this Act, and such judge may at pleasure, remove such officer or officers, salaried probation officers shall have all the powers of sheriffs and police officers anywhere within the state for the purposes of this Act, and may serve any process authorized to be served by this Act, and may make arrests in the execution of processes issued from such court. The judge of said court is

hereby authorized and directed to seek the co-operation of any society or incorporation public, or private, having for their object the protection or aid of dependent, neglected or delinquent children, to the end that the court may assist and be assisted in every reasonable way to give all children care and protection which will conserve the welfare of such children and the public in general. And it is hereby made the duty of every county, town or municipal officer, or department in said county, to render such assistance and co-operation within his or its jurisdiction or power to further the object of this Act; and all institutions, associations and other custodial agencies in which any child may be, coming within the provisions of this Act are hereby required to give information to the court or any of the said officers appointed by the court, which said court or officer may require to further the purposes of this Act. The judge of said Juvenile and Court of Domestic Relations with the consent and upon the advice of the Advisory Board of said court, hereinafter provided for, shall secure suitable quarters for the conduct of the business of said Juvenile and Court of Domestic Relations, separate and apart from the chambers used for the prosecution of adult criminals, and all equipment, rent and necessary expenses contingent to the proper carrying out of the spirit and intent of this Act, shall be, and is hereby made a valid charge against the said counties, and same shall be paid out of the general funds of the county, on voucher approved by the judge of said Juvenile and Court of Domestic Relations. Provided, however, that nothing in this Section or in any other Section of this Act shall be construed as authorizing the Judge to commit a dependent or delinquent child to any Society or Corporation, public or private, having as their object the protection or aid of dependent, neglected, or delinquent children which is outside of the State of Alabama and which has not acquired a proper license from the Child Welfare Department.

Section 18. The judge of the said Juvenile and Court of Domestic Relations of said counties shall appoint a Board of not less than ten nor more than fifteen persons of said county, known for their interest in the welfare of dependent, neglected or delinquent children, who shall serve without compensation, to be called the Advisory Board of the Juvenile and Court of Domestic Relations of said counties. Said advisory board at its first meeting shall organize by electing such officers and adopting such by-laws and rules and regulations for its government as it may deem best for the purposes herein set forth. Said Board shall hold office during the pleasure of said court or the judge thereof. Women shall be eligible to appointment on said Board. The duties of the Board shall be as follows: (1) To advise and co-operate with the judge of said court, in the appointment of

its probation officer or in fixing and regulating the amount of the salaries to be paid said officers and to advise and co-operate with the court upon all other matters affecting the workings of the Act creating the court, and to recommend to the court any and all needful measures for the purpose of carrying out the provisions and intent of the law creating said court. (2) To visit as often as they conveniently can, all institutions or associations receiving children under this Act, and to report to the court from time to time the conditions and surroundings of the children received by or in charge of any such person, institution or association. (3) To make themselves familiar with the work of the court under this Act, and to make from time to time a report to the public of the work of said court.

Section 19. Whenever in courts of any proceedings under this Act, or when by affidavit as hereinafter provided, it shall appear to the said court that a parent, guardian or person having the custody, control or supervision of a male child under sixteen years of age, or a female child under eighteen years of age, in such county, or any person not standing in such relation to such child has aided, encouraged, or caused any such child to become, dependent, neglected or delinquent as defined herein, or who has by word, act or omission contributed thereto, or shall by any word, conduct, act or omission—or by threats, command, or persuasion, induced or endeavor to induce, aids or encourages, any such child, in such county, to do or perform any act or to follow any course of conduct or to so live as would cause or manifestly tend to cause any such child to become, or to remain, dependent, neglected or delinquent, the said court shall, that such children may be protected from such influences, have jurisdiction in such matters, as provided for herein, and shall cause such parent, guardian or other person, as the case may be, to be brought before it upon either a summons or a warrant, affidavit of probable cause having first been made, for such order or judgment, in the premises as the court may see fit to make, or render, in accordance with the provisions of this section. In case of bringing of such person into court under the summons of warrant, above provided for, such accused person shall have the right to bail in such reasonable sum as may be named by the court, the same to be approved as to amount and surety by the judge of said court, or by the sheriff or his deputy as in other cases; and in default of said bail the person so accused shall be committed to the county jail, there to await trial or other disposition of said cause by the court. The court shall have full power to hear and determine such charge so brought against such parent, guardian, or other person, and to determine the guilt or innocence of such accused person, parent, or guardian, and in the event that said parent, guar-

dian or other person shall be found guilty by the court, the said court shall have the power to impose a fine of not more than one hundred dollars, and in addition thereto may impose a sentence to hard labor for the county for not more than twelve months, or to a term of imprisonment in the county jail, for not more than twelve months. In the trial of such cases, said court shall have and exercise all the power, jurisdiction and authority now possessed, or which may hereafter be conferred upon county courts; and the institution and trial of such cases shall, except as is herein otherwise provided, be had and conducted as other misdemeanor cases are begun and tried in such county courts. In the trial of such cases, said courts shall determine both the law and the facts without the intervention of a jury, and shall award such judgment under the terms of this section, as shall seem just. The judge of such court shall have authority, in his discretion, to suspend the payment of any fine; or the serving of any term of imprisonment whether in jail or at hard labor, and to place such accused person on probation, for such a period of time, not to exceed twelve months, and upon such terms and conditions as to the said judge may seem proper; the judge of the court may, further, in his discretion, as part of the judgment, require such person to enter into a bond with or without surety, in such terms as the court may direct, to comply with the orders of the court; and said judge shall have authority in his discretion, and upon such information as he may deem sufficient, to revoke such suspension of fine or imprisonment, upon the violation of the probationer of the conditions and terms upon which such suspension was made. Such revocation by said judge shall immediately put into effect the original fine, or term of imprisonment, originally imposed; and such judge may thereupon issue warrant of arrest, and order of commitment, to enforce such judgment as if there had been no suspension. The defendant if convicted, shall have the right to appeal to the next ensuing term of the Circuit Court of the County, where he may have a trial by jury. Pending said appeal, upon his entering into bond, with sufficient sureties in such sum as the court may require, conditioned that he will appear at said Circuit Court, until discharged by due process of law, he shall be released from custody. If the defendant fails to make the required bond, he shall be confined in the county jail until tried. Upon the taking of such appeal, the clerk of the said Juvenile and Court of Domestic Relations shall at once certify to the clerk of the Circuit Court of said county all papers in the cause affecting the person appealed, together with a transcript of all proceedings had in said court, in said matter. The clerk of the said Circuit Court of said county shall set all such cases appealed from this court as preferred cases in said Circuit Court, to the end that said cases may have

a speedy hearing in said Circuit Court. Upon said appeal said Circuit Court shall try such case de novo, and if said defendant be found guilty by said Circuit Court, it shall have all the discretionary power herein given to the Juvenile and Court of Domestic Relations in rendering judgment against said defendant. If, upon the rendition of said judgment, the said Circuit Court shall suspend the payment of any fine, or the serving of any term of imprisonment, whether in jail or at hard labor and place such convicted person upon probation, under the terms of this section, said Circuit Court shall cause to be filed with said Juvenile and Court of Domestic Relations, a copy of its said judgment, which shall thereupon become also the judgment of the said Juvenile and Court of Domestic Relations in said case; and upon the rendition by said Circuit Court of such suspended sentence, said Circuit Court shall remand said convicted person to the jurisdiction of said Juvenile and Court of Domestic Relations for its supervision and care, under the terms of said judgment, and thereafter said convicted person shall be and remain under the jurisdiction of said Juvenile and Court of Domestic Relations in the same manner as if said Juvenile and Court of Domestic Relations had rendered said judgment in the first instance. An affidavit in the following form shall be sufficient to charge the offense described in this section, to-wit: State of Alabama—In the Juvenile and Court of Domestic Relations of

(Name of County) present term. Personally appeared before me, judge of the Juvenile and Court of Domestic Relations of (Name of county), (name of affiant) who being by me first duly sworn deposes and says, that (name of person charged with offense) has within twelve months before the making of this affidavit, in said county, aided, encouraged or caused (name of child), a male child under sixteen, or female under eighteen years of age, (as the case may be) to become dependent, neglected, or delinquent, or has by word, act, or omission contributed thereto; or has by word, conduct, act, or omission, threats, commands, or persuasions, induced, or endeavored to induce, aided or encouraged such child in such county to do or perform an act or to follow a course of conduct or to so live, as would cause, or manifestly tend to cause such child to become or remain dependent, neglected or delinquent; in that the said (name of accused) did within said twelve months within said county, (here set out succinctly the facts, acts, words, conduct, omissions, etc. which affiant avers were done or omitted by accused constituting said offense). Against the peace and dignity of the State of Alabama, Affiant. Subscribed and sworn to before me this day of 19..... Judge of Juvenile and Court of Domestic Relations, County.

Section 20. If at any time, after thorough investigation or trial of its disciplinary measures, the court or judge thereof is convinced that any delinquent child brought before it under the terms of this Act cannot be made to lead a correct life, and cannot be properly disciplined under the provisions of this Act, the court or judge thereof, shall have authority to transfer such delinquent child to the jurisdiction of any court in said county having jurisdiction of the offense of which said child was, or is charged, there to be proceeded against according to law, and as if said child if a male, were over sixteen, and if a female, were over eighteen years of age. When such order of transfer is made, the child so transferred may be committed to the county jail or to any city jail or police station in said county, pending the proceedings in the court to which said case is transferred, or may be released on bail by the judge of said Juvenile and Court of Domestic Relations to answer such proceeding in said court to which said child has been transferred. The clerk of the Juvenile and Court of Domestic Relations shall at once, upon said transfer being ordered, file with the clerk of the court to which said transfer is made a copy of the order of transfer, and any warrant or other paper charging said child with the commission of such offense which has been filed in this court, which shall be sufficient to give such court jurisdiction of such case. In the trial in such court the proceedings had in this court shall not be given in evidence against such trial.

Section 21. All bonds and undertakings taken and approved by the judge of this court, either for the appearance of any minor or for the performance of any other duty or undertaking set forth in said bond, shall be valid and enforceable, even if the principal or surety shall be a minor. In the event of the failure upon the part of the principal or sureties in any bond taken in said Juvenile and Court of Domestic Relations to faithfully carry out, and discharge the undertakings of such bond, then in that event the judge of said court shall have the right to transfer said bond, together with his certificate to the effect of the failure of said principal and sureties therein to carry out and discharge their undertakings on this bond to the clerk of the Circuit Court of such county, and in the event of such certification by the judge of this court to the clerk of the Circuit Court, it shall be the duty of the clerk of the Circuit Court, to at once, bring the same to the attention of the judge or judges of said court, who shall proceed to enter a forfeiture of bond so transmitted, in the manner and form now provided for the forfeiture of bonds in the Circuit Court, after which writ of scire facias and execution shall issue thereon, as now provided by law upon the forfeiture of bonds in similar cases in said Circuit Court.

Section 22. Any person who knowingly and wilfully disregards or fails to obey any lawful order made by the judge of

said court under the jurisdiction of this court shall be guilty of a contempt of court, and any person who knowingly interferes with or opposes, or otherwise obstructs any probation officer in the performance of his or her duties, or who knowingly makes any false statement to such probation officer, about any matter or person about which he or she is inquiring in the discharge of their duty, shall be guilty of a contempt of court, and generally, any and all acts which would be a contempt of a chancery court in this State, shall be and constitute a contempt of this court, and the judge of said Juvenile and Court of Domestic Relations shall have the same right and power to punish for contempt of said court as have chancellors or judges in this State, to punish for contempt of said chancellors of Circuit Courts.

Section 23. Said court shall have the power to determine the forms and character of its records and to devise and publish rules to regulate the proceedings in all cases coming within the provisions of this Act, where not otherwise provided for by law; and for the conduct of all probation and other officers of said court in such cases. The courts may also devise, promulgate and cause to be printed for the use of the court, forms which may be found necessary and convenient in cases coming under this Act. All necessary expenses or appropriations to carry out the purpose and intent of this Act, and all expenses of maintenance and care of wards of court under detention which may be incurred by order of the court in carrying out the provisions and intent of this Act, shall be a valid charge against the said county, and shall be paid by the Board of Revenue or the Court of County Commissioners of said counties as the case may be, when itemized and sworn to by creditors of persons knowing the facts in the case, and approved by the judge of said court.

Section 24. An appeal may be taken by any party agreed from any final order or judgment of said court to any court of such county, having equity, jurisdiction, within ten days after the entering of said order or judgment in said cause, but an appeal bond may in the discretion of the court be required, which said bond shall be payable to the State of Alabama, and conditioned upon the child's appearance to answer such judgment as may be rendered upon appeal, as well as to secure all cost that may accrue on such appeal, and if such appeal be taken by guardian ad litem appointed for the child by said court, this court may, in its discretion, grant an order allowing said guardian ad litem the actual expense incurred on said appeal and the amount so allowed shall be a valid charge against such county when approved by the judge of said court. An appeal with or without the bond required in this Act shall not suspend the judgment appealed from, nor shall it discharge the child from the custody of the court or the officers of the court, or the person in

whose care the court may place the child, if the judge of said Court shall enter an order that to suspend said judgment would endanger the welfare of said child. All appeals under this Act shall take precedence over all other business of the court to which appeal is had. Under said appeal, said equity court shall try said case, de novo, and shall proceed under and in pursuance of the intent and terms of this Act, to render such judgment as to it shall seem just, and to be for the best interest of society and for the welfare of such child. Upon the rendition of said judgment, the said equity court shall cause to be filed with said Juvenile and Court of Domestic Relations a copy of its judgment, which thereupon becomes also the judgment of the Juvenile and Court of Domestic Relations. In the event that the equity court does not dismiss said proceedings, and does not discharge said child, said equity court shall remand said child to the jurisdiction of said Juvenile and Court of Domestic Relations for its supervision and care, under the terms of its order; and thereafter said child shall be and remain under the jurisdiction of said Juvenile and Court of Domestic Relations in the same manner as if said Juvenile and Court of Domestic Relations had rendered such judgment in the first instance.

Section 25. No child coming within the provisions of this Act shall hereafter be placed in any institution at the public charge, unless his or her status shall have been first determined in accordance with this Act.

Section 26. Whenever a child is arrested for the violation of any law, or is taken into custody under the terms of this Act, such child, if it be absolutely necessary in order that such child shall be produced in court at the time set for the hearing of said cause, may be placed in jail for safekeeping until the time of said hearing; but in no case shall such child be confined in the same room with an adult prisoner and the violation of this provision by any sheriff, jailer or other officer shall be punishable by fine of not less than ten dollars nor more than one hundred dollars for each offense.

Section 27. The judge and clerk of said court shall have authority to take affidavits and to administer oaths in proceedings under this Act; and the judge of said court shall have power to issue all appropriate orders or writs in aid of the jurisdiction hereby invested in it.

Section 28. This Act shall be liberally construed in order to accomplish the beneficial purposes herein sought. Should any part of this Act be declared to be unconstitutional by any court, such decision shall not affect the remainder thereof.

Section 29. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved August 11, 1927.

No. 203.)

(H. J. R. 112. Miller of Sumter.

HOUSE JOINT RESOLUTION

Whereas, it has been brought to the attention of the Legislature of Alabama that the Honorable R. V. Taylor, a distinguished Alabamian, is in the City of Montgomery; and, Whereas, the Honorable R. V. Taylor is at present one of the commissioners of the Interstate Commerce Commission of the United States; and, Whereas, this distinguished gentleman is a close student of the national political situation and a scholar of unusual intellectual attainment, and one of the ablest and most entertaining speakers the South has ever produced; and, Whereas, it is the sense of this body that the Legislature of Alabama should seize this opportunity to hear a great Democrat, who occupies a position of such high trust in Washington, Now Therefore,

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that a cordial invitation be extended to the Honorable R. V. Taylor to address a joint meeting of the House and Senate on next Thursday July 28th, 1927.

Approved August 2, 1927.

No. 204.)

(H. J. R. 115. Miller of Sumter.

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that in accordance with H. J. R. No. 112 heretofore adopted, a committee of five be appointed, three from the House to be appointed by the Speaker of the House and two from the Senate to be appointed by the President of the Senate, to notify the Hon. R. V. Taylor of the invitation of the Legislature to address a Joint Session of the House and Senate on Thursday, July 28th, 1927.

Approved August 2, 1927.

No. 205.)

(H. 57. Darden.

AN ACT

To further regulate tendering, signing and approving bills of exceptions where the trial judge has resigned, his term of office has expired or he has been removed from office.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of all trial judges of this State whenever they resign, or their terms of office expire, or they are removed from office, to endorse the true date of the

presentation of any bill of exceptions presented to him in causes where he presided within the time now provided by law or within the time that may hereafter be provided by law after such bill of exceptions is presented to him. If such trial judge is sick or out of the county where the cause was tried, or for any other cause the bill of exceptions cannot be presented in person to such trial judge, then the same may be presented to the Clerk of the Court where the cause was tried and the true date of such presentation be endorsed and signed by him and delivered by him to the trial judge with all convenient speed.

Section 2. For the services rendered herein no compensation shall be required or paid.

Section 3. The provisions of this act shall apply to special judges, judges of probate and all other judges from whose courts appeals may be taken to the Supreme Court or Court of Appeals of Alabama.

Section 4. Whenever such trial judge fails or refuses to approve any bill of exceptions so presented to him application may be made as now provided by law, or as may hereafter be provided, for the establishment of the same by the party desiring to appeal.

Section 5. That such trial judge shall, if he finds same correct, approve such bill of exceptions, signing the same "as Trial Judge in this cause" which bill of exceptions shall be as legal and effective as if the trial judge were still in office. When thus approved the bill of exceptions shall be delivered by the trial judge to the Clerk of the Court where said cause was tried who shall proceed at once to prepare the transcript of said cause.

Section 6. That all laws and parts of laws in conflict herewith are expressly repealed.

Approved August 2, 1927.

No. 206)

AN ACT

(H. 573 Sanderson

To authorize and regulate the renewal and extension of the charters and the corporate existence of life insurance companies when not otherwise provided.

Be it Enacted by the Legislature of Alabama:

Section 1. That life insurance companies incorporated and existing under the laws of Alabama, whose charters or corporate existence may hereafter expire and provision for their renewal or existence is not otherwise provided by law are hereby authorized and empowered to renew or extend said charter and corporate existence at any time before such expiration for a stated term of years in the following manner.

Section 2. The Board of Directors shall pass a resolution declaring that such renewal or extension is desirable either for the stated period or unlimited, and the stockholders shall then pass a resolution in favor of such renewal or extension by vote of a majority of the outstanding stock at a regular or special meeting, of which notice shall be given as provided by its by-laws.

Section 3. Said corporation shall then file in the office of Probate Judge of the County in which its principal place of business in Alabama is situated and in the county in which it was incorporated a certificate executed for it and in its name by its President and attested by its Secretary with its corporate seal fixed and acknowledged as conveyances are acknowledged by its President as such, setting forth (1) its original name and any and all amendments thereto, (2) the date of its incorporation, (3) the county in which it was incorporated, (4) the book and page in which its charter or certificate of incorporation and all amendments thereto are recorded and (5) the period of renewal or extension which may be for a stated term.

Section 4. At the time of filing said certificate said corporation shall pay to the Probate Judge \$2.50 for examining said certificate and 15c per one hundred words for recording the same and for the use of the use of the State \$2.50 and upon the payment of said fees the Probate Judge shall, if said certificate complies with the provisions hereof, endorse thereon his certificate of registration and record the same in a book kept for corporation records and said renewal or extension shall at once take effect and said corporation shall continue in existence in accordance with the terms thereof.

Approved August 11, 1927.

No. 207)

(H. 403 Jordan of Etowah

AN ACT

To define the business of burial companies, associations and societies; to provide for the better regulation of such companies, associations and societies, and to fix a standard of solvency for such companies, associations and societies, and to provide penalties for violation of this act.

Be it Enacted by the Legislature of Alabama:

Section 1. All companies or associations, whether voluntary or incorporated under the laws of this state or any other state, and all individuals, firms and copartnerships doing business of providing burial or funeral benefits are hereby declared to be mutual aid, benefit and/or industrial insurance companies or associations. All such companies or associations shall before transacting any business in this state submit their plan to the Superintendent of Insurance, together with a financial state-

ment, copy of their charter, by laws and other instruments governing the operation of such companies or associations, and if upon examination the Superintendent of Insurance is of the opinion that such companies or associations meet the requirements of the laws now in force or hereafter in force for the regulation of mutual aid, benefit or industrial companies or associations shall issue to such company or association a license for the transaction of business as a burial or funeral association. No such company or association shall be licensed to transact business in this state until it has met all of the requirements of the laws governing mutual aid, benefit or industrial insurance companies or associations, or if it be a fraternal benefit society such company or association must comply with the laws governing fraternal benefit societies before it may be licensed as a fraternal benefit burial society. No such company or association shall be authorized to make contracts or agreements with citizens of this State providing for burial or funeral benefits until such company or association has been duly examined by the Bureau of Insurance and has been licensed under the laws of this state; nor shall any such company or association whose premium receipts are less than one hundred thousand dollars (\$100,000.00) per annum be granted a license until it has solvent assets of at least five thousand dollars and has made the required deposit with the Bureau of Insurance.

Section 2. The Superintendent of Insurance shall at least once a year cause all contracts of such companies or associations to be carefully valued and shall require such companies or associations whose premiums receipts are less than One Hundred Thousand Dollars (\$100,000.00) per annum to at all times have and maintain solvent assets of not less an amount than the liability on its outstanding contracts or agreements; for the purpose of valuing said contracts and/or agreements such company shall at all times maintain a sufficient reserve to provide for the payment of all benefits at maturity, such reserves to be computed by the actuary of the Bureau of Insurance as of December 31st of each year, and when so computed the valuation arrived at shall be required to be maintained as the reserve on such business as is in force December 31st annually.

Section 3. All companies or associations may take credit as assets for all cemetery property, all funeral equipment used in the conduct of its business such as hearses, carriages, automobiles, caskets and any other property that is necessary for the carrying out of its contracts.

Section 4. Any company or associations organized on the mutual plan of insurance shall not be licensed until such company or association has net cash assets of at least five thousand

dollars and shall maintain reserves on the basis hereinabove set out.

Section 5. If any mutual aid benefit or industrial insurance company or association fails or refuses to comply with the provisions set out in their insurance policy or certificate issued to the insured they shall be guilty of a misdemeanor and upon conviction shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) for each such offense and may in addition have their license revoked. This act shall take effect upon its passage and approval by the Governor.

Approved July 29, 1927.

No. 208.)

AN ACT

(H. 266. Hawkins.

To prohibit the Probate Judges of this State from receiving for record any map or plat on which lands lying within the corporate limits or police jurisdiction of any city having a population of more than one hundred thousand inhabitants according to the last or any succeeding Federal census are mapped or platted as streets, alleys or other public ways unless such map or plat has noted thereon the approval of the City Engineer of such city.

Be it Enacted by the Legislature of Alabama: That it shall be the duty of every Probate Judge in this State to decline to receive for record in his office any map or plat upon which any lands lying within the corporate limits or police jurisdiction of any city of this State having a population of more than one hundred thousand inhabitants according to the last or any succeeding Federal census are platted or mapped as streets, alleys or other public ways unless such map or plat shall have noted thereon the approval of the City Engineer of such city.

Approved August 2, 1927.

No. 209)

(H. 681. Jordan of Etowah

AN ACT

To Amend Section 1936 of the Code of 1923."

Section 1. *Be it Enacted by the Legislature of Alabama,* That Section 1936 of the Code of Alabama of 1923 be amended so that the same shall read as follows: "1936. (1216) Recorder; Power to Fine, Punish, Imprison, and Sentence To Hard Labor.—The recorder trying any person for violation of any by-law or ordinance of the city shall, upon conviction of such person, have the power to fine and imprison him and to sentence him to hard labor upon the streets or public works, or in the workhouse or

house of correction of the city; and, in the event the fines and cost are not presently paid, to require the offender or person thus in default to work out the fine and costs under the direction of the city authorities, allowing not exceeding one dollar for each day's service. No fine shall exceed one hundred dollars, and no sentence to imprisonment or hard labor shall exceed six months, and no female shall be required to work on the streets of the city, but the council may provide by ordinance for the hiring out, within the county, any male or female convicted of a violation of any city ordinance, for the payment of fine and costs, or during the time the prisoner was sentenced to hard labor or imprisonment, and the hirer of such convicts and the convicts themselves shall be subject to inspection and shall be under the supervision and control of the State Convict Department. All contracts of hiring shall be approved by the mayor, and recorded in the office of the judge of probate of the county. The recorder trying any case if the defendant be convicted may accept a confession of judgment of the defendant and sureties for the fine and cost which may contain a waiver of exemptions as to personality, and if such judgment is not paid in thirty days the recorder shall issue an execution thereon against the defendant and sureties which may be collected by the Chief of Police of the municipality or any lawful officer just as are executions issued on judgments from courts of law in this state. This Act shall take effect immediately upon its passage and approval by the Governor."

Approved August 11, 1927.

No. 210.)

(H. 85. Rogers of Mobile.

AN ACT

To amend an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the offices of clerks and registers of the circuit courts, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," approved September 25, 1919.

Be it Enacted by the Legislature of Alabama:

That an Act "To authorize the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County in the State to provide telephones for the offices of clerks and registers of the circuit court, the office of the sheriff, the office of the jailer, and the judge of probate of their respective counties," as approved September 25, 1919, be amended, so as to read as follows:

1. That from and after the approval of this Act, the Court of County Commissioners, the Board of Revenue and Road Commissioners, or like body, in each County of the State, be, and

they are hereby, authorized to procure and provide telephones deemed necessary by them for the more efficient discharge of the public duties of the various officers and offices of the County.
 Approved August 2, 1927.

No. 212.)

(H. 538. Denson

AN ACT

To authorize the issuance of contingent endowment contracts of insurance by life insurance companies and fraternal benefit societies; and to provide for the maintenance of reserves thereon.

Be it Enacted by the Legislature of Alabama:

Section 1. That any life insurance company or fraternal benefit society transacting business in this State may issue contracts classifying the holders thereof into groups and providing for the payment of an endowment to the oldest member of each group contingent upon the mortality experience in such group.

Section 2. In order to pay such endowments as they severally mature, a reserve thereon shall be established and maintained upon a basis of not lower than the American Experience Table of Mortality with one year preliminary term and interest assumption of four per cent.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved August 1, 1927.

No. 214.)

(H. 583. Jones of Bullock.

AN ACT

To amend Section 5001 of the Code of 1923.

Be it Enacted by the Legislature of Alabama: That Section 5001 of the Code of 1923 be amended so as to read as follows: Section 5001 (7421) (5096) (4018) (4189) (3602) (61) marriage, adultery, and Fornication Between White Persons and Negroes.—If any white person and any negro, or the descendant of any negro intermarry, or live in adultery or fornication with each other, each of them must, on conviction, be imprisoned in the penitentiary for not less than two nor more than seven years.

Approved August 2, 1927.

No. 218)

(S. 340. Teasley.

AN ACT

To fix the salary of Judges of Probate in all counties in this State which now have, or which may hereafter have a population of seventy-five

thousand people and less than ninety-five thousand people according to the last federal census or any such census which may hereafter be taken and to regulate the payment of same; to provide for the selection of clerical help and other assistance to said Judges of Probate and the manner of fixing their compensation and paying the same, and to provide rules and regulations for the payment and conduct of such Judges of Probate, and to provide for an election clerk to be appointed by said Judges of Probate, who shall also be ex-officio clerk of the Board of Registrars in said counties, define his duties and fix his compensation; and to require all of said Judges of Probate to pay into the County Treasury of said counties all costs, charges of courts, fees and commissions authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid.

Be it Enacted by the Legislature of Alabama:

Section 1. That the salary of all Judges of Probate in all counties in this State which now have, or which may hereafter have a population of seventy five thousand people and less than ninety-five thousand people according to the last Federal census, or any such census which may hereafter be taken, shall be six thousand dollars per annum net, and an allowance of fifteen thousand dollars per annum for office help as follows: one clerk at three thousand dollars per annum; two clerks at eighteen hundred dollars per annum each; three clerks at fifteen hundred dollars per annum each; and one election clerk at eighteen hundred dollars per annum; and twenty one hundred dollars per annum for other expenses and contingencies to be paid out on warrant on proper certificate of the said Judges of Probate.

Section 2. That it shall be the duty of the election clerks herein provided under the direction, supervision and instructions of said Judges of Probate to carefully examine the records of registered voters on file in said office and make a report to the Board of Registrars when said Board is in session, for the purpose of purging the registration list as provided by law, showing all names appearing on said list of registered voters who are dead or who have removed from the county, and prepare all necessary notices to be issued by the Board of Registrars to all persons whose names appear on the list of registered voters who have removed from the county, and keep a docket of all such names stricken from the list of registered voters showing the reasons therefor, date of service of notice, and date of order of the Board of Registrars striking any name off of said list. It shall be the further duty of said election clerk to carefully check the list of all persons paying poll tax each year, and after carefully checking same with the list of registered voters, to prepare a list of qualified voters of said counties, as provided by law under the supervision and instructions of the Judges of Probate who shall certify to the correctness of same. The said election clerk shall be ex-officio clerk of the Board of Registrars and un-

der their supervision and instructions shall perform all duties required of him by said Board. It is the intention of this section to provide for a correct list of qualified voters of said counties to be furnished the several election officers at each election or primary as now provided by law, and it shall be the duty of said election clerk to perform any and all services in this connection to carry into effect the purposes of this section.

Section 3. That all of said Judges of Probate shall pay into the County treasury of said counties, all costs, charges of courts, fees and commissions authorized by law, or which may hereafter be authorized by law to be collected by said Judges of Probate as other moneys belonging to said counties are paid. The Courts of County Commissioners, Boards of Revenue and other Courts of like jurisdiction shall have the power and authority, and it shall be their duty to audit the accounts of said Judges of Probate for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. That all compensations and salaries of the Judges of Probate mentioned in this Act, and all allowances provided for expenses, clerical help and other assistance shall be paid out of the general fund of the several counties affected, in monthly installments.

Section 5. That the premiums on said Judges of Probate bonds, and the bonds of their clerks shall be paid out of the general funds of the several counties affected.

Section 6. That all laws and parts of laws, general, local or special in conflict with the provisions of this Act be, and the same are hereby repealed.

Approved August 2, 1927.

No. 222.)

"AN ACT

(S. 319. Teasley.

To further regulate and provide for the election of circuit judges in all judicial circuits of the State of Alabama, which circuits are composed of only one county, and having not more than two judges, or which circuit may hereafter have not more than two judges."

Be it Enacted by the Legislature of Alabama:

(1st) In all judicial circuits of the State of Alabama composed of only one county and having not more than two judges, or which circuits may hereafter have not more than two judges, the judges shall be numbered first and second, so that each judgeship shall be designated by a number, and the judges shall be so designated on the ballots used in the primary and general elections.

(2) The Judge elected to judgeship one shall be presiding judge of said circuit.

Approved August 2, 1927.

AN ACT

To create in all cities of the State of Alabama, which have a population of as much as one hundred seventy thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, a board of trustees of the firemen's pension and relief fund in connection with the regularly organized and paid fire departments of such cities; to provide for the organization of such board of trustees; to designate certain members of said board and provide the method and time of electing the remaining members thereof; to designate and provide for the selection of officers and agents of said board; to prescribe the powers and duties of said board and its officers and agents; to continue as trustees the members of such board as now exist under existing laws during the terms for which they have been elected, same to be trustees under this Act in their respective cities which are governed by this Act and where this Law applies; to create in all such cities a firemen's pension and relief fund for the benefit and relief of disabled, sick, retired and other members of such fire department, and the widows, minor children and dependent widowed mothers of such disabled and retired members; and to continue benefits and relief under this law to such as are receiving same under existing laws in such cities as are governed by this law; to declare the said Board of Trustees the trustees of such fund, to provide for the use, management and control of said fund; to provide for the raising of such fund and the sources thereof; to provide for the payment into such funds of the fines prescribed and imposed for the violation of certain ordinances of such cities; to provide for the payment into such fund of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies doing business within such cities, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report, and for enforcing such penalty; to provide for the payment into such fund of a portion of the monthly salary of each member of such fire department; to authorize such cities to pay into such fund a part of the revenue received from licenses issued by such cities; to transfer and convert into the respective Firemen's Pension and Relief funds as created and provided in this Act the respective funds and moneys and properties constituting Firemen's Pension and Relief funds as are existing respectively under existing laws in Alabama in the cities which shall come under and be governed by the provisions of this Act; and to provide for the administration and use of same; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments, and the widows, minor children and dependent widowed mothers of such disabled and retired members; to provide for the payment out of such funds of certain expenses attending the burial and funeral of deceased members of such fire department; to provide for the retirement and reinstatement of members of such fire department; to prescribe the duties of the City Attorney and City Physician in connection with the said board of trustees and the said fund; to designate the treasurer of such fund and his duties; to provide for the repeal of all laws and parts of laws in conflict herewith; to provide for the exemption of benefits of said fund from levy; to provide the time of taking effect of this Act.

Be it enacted by the Legislature of Alabama, as follows:

Section 1. That in all cities of the State of Alabama which have a population of as much as one hundred seventy thousand people according to the last Federal census, or which shall have such populatoin according to any such census that may be taken hereafter, there is hereby created in connection with the regularly organized and paid fire department of such cities a "board of trustees of the firemen's pension and relief fund," by which name the said board shall be known and called, to be composed as hereinafter provided and to be selected as hereinafter provided and directed; and in all such cities, there is hereby created a firemen's pension and relief fund, for the benefit of the persons hereinafter named, to be derived and raised in the manner hereinafter provided.

Section 2. That the said Board of Trustees of the Firemen Pension and Relief fund shall be composed of five members, consisting of the president of the board of commissioners of such city or other executive head thereof, the chief or other head fireman of such fire department of such city, and three members of such fire department of said city who shall be selected as hereinafter set forth and provided.

Section 3. That in all cities governed and coming under the provisions of this Act where there is now existing a Board of Trustees of the Firemen's Pension and Relief fund as created and provided under an existing law of Alabama, the members of such board or boards shall compose the first Board of Trustees in their respective cities under this Act and shall continue as such Trustees in their respective cities under the provisions of this Act for their respective terms and until their successors be elected and qualified, and shall hold and control all monies, funds and properties of whatever kind and character there may be in or connected with such existing fund for distribution and handling and the uses as provided for herein, and shall administer such additional funds, monies and property as may be created and come under their jurisdiction as provided for in this Act in their respective cities.

Section 4. The chief or other head fireman of such fire department of such City shall not less than 10 days before the first Tuesday in January of each year hereafter designate a day for holding a convention to nominate a trustee or trustees for election as such; and the time for holding such convention shall be fixed not less than five days before the time for holding such election. The delegates to such convention shall consist of one delegate from each fire company in such city, who shall be elected by ballot by the members of such company at the time fixed by the chief or other head fireman of such fire department, in the call for such convention. The election of such delegates shall be cer-

tified by the captain or other officer in charge of such company, and if there be no officer in charge of such company, then by the oldest member thereof present at such convention. Such convention, when convened shall nominate as candidates five members of the fire department to be voted for as such trustee for every trustee then to be elected. And the names of the persons so nominated as candidates shall, by the delegates to such convention, be reported in writing to their respective companies. The said election shall be held at the respective houses or quarters of the respective companies on the day named as aforesaid, between the hours of nine o'clock in the forenoon and six o'clock in the afternoon. Every member of such fire company shall be entitled to one ballot, and every ballot shall contain the names of the candidates so nominated, and each member of the department shall be entitled to vote by placing a cross mark opposite the name of his choice for trustee or trustees. The candidate receiving the highest number of votes for the position in which the term has expired shall hold office as such trustee for three years. The captain or other officer in command of such fire companies, respectively, or if there be no officer in charge thereof, then the oldest member thereof, on the day of and immediately after the casting of such ballots, shall canvass and count the same, and certify in writing the number of ballots cast and the number of ballots received by each candidate for the office of trustee. After signing such certificate, such officer or other person shall enclose the same to the chief or other head of such fire department, together with all the ballots cast by said fire company, in an envelope, securely sealed and addressed; and the chief or other head of such fire department, as soon as all such certificates and ballots shall have been received by him, shall deliver the same to the President of the Board of Commissioners or other executive head of such city, who shall, in the presence of the chief or other head of such fire department, open said envelope, examine said certificates, and ascertain and determine the total number of ballots cast at said election for each of the candidates as such trustee, and shall issue certificates of election as such trustee to the candidate receiving the highest number of votes as aforesaid. In case any two or more candidates shall have received the same number of votes, so that there would be no choice under the foregoing provision, then the President of the Board of Commissioners or other executive head of such City shall forthwith determine by lot who shall be the trustee from the persons so receiving such equal number of votes. No election shall be set aside for want of formality in balloting by such members, or in certifying or transmitting returns of any such election by the officers or persons in charge thereof

Section 5. That the regular annual election shall be held on the first Tuesday in January of each year. At such annual election, one trustee shall be elected for a term of three years; and any vacancy may be filled by election as herein provided. Should a vacancy occur in the membership of the board same shall at the first meeting after the vacancy occurs be filled by the remaining members of the Board, same to be thus filled until the next regular election of trustee, and a member shall then be elected to fill the vacancy for the unexpired term.

Section 6. The chief or other head fireman of such fire department shall be the President of the said Board of Trustees of the Firemen's Pension and Relief Fund. At the first meeting after each election, the Board of Trustees shall elect a Secretary, who may be chosen from their own number; provided, that if the said Board of Trustees deem proper, the Secretary, who shall be a member of such fire department, may be elected by the companies, under the provisions of this Act relating to the election of trustees, to serve for a term of three years. It shall be the duty of the Secretary to keep, in a book provided for that purpose, a full and complete record of all proceedings of the Board of Trustees, and he shall perform such other duties as may be properly assigned to him by the Board of Trustees.

Section 7. The City Treasurer of such city is hereby made, and it shall be his duty to be, the custodian of all moneys belonging to the Firemen's Pension and Relief Fund, and all moneys belonging to such fund shall be promptly paid to him. The said treasurer shall also be the custodian of all securities and things of value belonging to such fund. He shall be liable on his official bond for the faithful performance of the duties imposed upon him under this act, and for the faithful accounting for all moneys, securities and things of value which may come into his hands as such treasurer of such fund, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the expiration of his term of office, such treasurer shall surrender and deliver up to his successor all bonds, securities, and all unexpended moneys or other properties which may have come into his hands as treasurer of such fund.

Section 8. That the said Board of Trustees of the Firemen's Pension and Relief Fund is hereby declared to be the trustee of said Fireman's Pension and Relief Fund, and shall have the exclusive management and control thereof, and all matters legitimately connected therewith; and said board shall have power to adopt and enforce such rules and regulations as may be necessary to enable it to effectively and properly carry into execution the purpose for which it was organized, and to enable it to properly manage and conduct the business and affairs entrusted to

it, provided such rules and regulations shall in no wise contravene the provisions of this Act, but shall be in conformity thereto. The said board shall hear and decide all applications for pensions or relief under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal, except by the said board. The board shall cause to be kept a record of all its meetings and proceedings.

Section 9. That the said Firemen's Pension and Relief Fund shall consist of the following, namely: A. Of all moneys that may be given or donated to said fund by any person, firm, association or corporation for the uses and purposes for which said fund is created; and said board may take by gift, grant, devise or bequest any money, personal property, real estate or any interest therein or any right of property, for the benefit of said fund; and such gift, grant, devise, or bequest, may be absolute or in fee simple or upon condition that only the rents, income and profits arising therefrom shall be applied to the purposes for which said fund is created; and also of existing funds as provided in Section 10 hereof. B. That one per cent of the monthly salary of each member of such fire department shall be deducted, which shall be placed by the treasurer of such City to the credit of the said Firemen's Pension and Relief Fund. C. Each fire insurance company doing business in such city shall annually and on or before the first day of March of each year hereafter, pay into said Firemen's Pension and Relief Fund, a sum equal to $\frac{1}{2}$ of one per centum of the gross premiums, less returned premiums, received by such fire insurance company for and on account of business done by it in such city during the preceding year; and it shall not be lawful for such fire insurance company or its agent, to take or receive any premium for insurance against fire within such city, unless such fire insurance company shall pay, at the time aforesaid, to the said Firemen's Pension and Relief fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance company violating the provisions of this Act shall forfeit to the said Firemen's Pension and Relief fund the sum of One Thousand Dollars, to be recovered against such fire insurance company so violating the provisions, or its agent, by suit brought in the name of the said Board of Trustees of the Firemen's Pension and Relief Fund; and all such forfeitures and penalties shall be and become a part of said Firemen's Pension and Relief fund. D. The Board of City Commissioners, or other governing body of said City, are hereby authorized and empowered to set apart for, and pay into, the said Firemen's Pension and Relief fund not exceeding one per centum of all revenues collected and received by such city from licenses issued by said City.

Section 10. Existing funds and property belonging to or a part of the Firemen's Pension and Relief funds, in the respective cities governed by the provisions of this Act, shall be held and administered, used and governed, in the respective cities affected hereby, and transferred and converted into the Firemen's Pension and Relief funds, in such cities, respectively, as provided herein, immediately upon this law becoming effective.

Section 11. That the Board of Trustees of said Firemen's Pension and Relief fund may, at any time, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said Board of Trustees, shall then determine in what manner such investment shall be made, and all proceedings of the said Board of Trustees relating thereto shall be entered at length upon its records. Such investment shall only be by the purchase of the interest bearing bonds of the United States of America, or of the State of Alabama, or of any bonds lawfully issued by such city, or by investing in valid first mortgage on improved real estate in such city to an amount not exceeding fifty per centum of the value of such real estate, the title to such real estate to be marketable and to be approved by the City Attorney of such city or other reputable attorney who shall give his written opinion thereon. All income from such investments shall be and become a part of the said Firemen's Pension and Relief fund. All such securities shall be deposited with the Treasurer of the said Firemen's Pension and Relief fund, and shall be subject, to the management and control of the said Board of Trustees of the Firemen's Pension and Relief fund.

Section 12. That the said Board of Trustees of the Firemen's Pension and Relief fund shall make a report to the Board of City Commissioners of such city of the condition of such Firemen's Pension and Relief fund on the first day of January of each and every year.

Section 13. That the said Board of Trustees of the Firemen's Pension and Relief fund may designate the depository or depositories of such Firemen's Pension and Relief fund, and it shall be the duty of the treasurer of such fund to make deposits of such funds as directed by the said Board of Trustees. All interests received on such deposits shall be and become a part of such fund.

Section 14. That all moneys ordered to be paid from said Firemen's Pension and Relief fund shall be paid by the Treasurer of such fund only upon warrants signed by the President of the said Board of Trustees and countersigned by the Secretary thereof; and no warrant shall be drawn on such fund except by

order of the said Board of Trustees, which shall be duly and regularly entered in the record of the proceedings of the said Board of Trustees.

Section 15. That no portion of the said Firemen's Pension and Relief fund shall, before or after its order for distribution by the said Board of Trustees to the person or persons entitled thereto under the provisions of this act, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree, or any other process whatsoever, issued out of or by any court of this State, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment, or decree, against any beneficiary of such fund; but shall be exempt therefrom. That said fund shall be sacredly kept, held and distributed for the purposes named in this Act, and for no other purpose whatsoever.

Section 16. That if at any time there shall not be sufficient money in such Firemen's Pension and Relief Fund to pay each person entitled to the benefit thereof the full amount per month as herein provided, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

Section 17. All persons entitled to or receiving pensions or relief under any existing law affecting fire departments in the cities governed by this Act shall continue to receive pensions or relief under the provisions of this Act, in their respective cities, but shall not receive monthly more than the amounts they are receiving when this law becomes operative.

Section 18. That if any member of such Fire Department, while in the performance of his duty, become and be found to be temporarily totally disabled, mentally or physically, for service in such fire department, by reason of service therein, the said Board of Trustees shall order the payment of such disabled member, monthly, during such total disability, not to exceed one year in any event, from such fund, a sum equal to two-thirds of the monthly compensation allowed such member as salary in such fire department at the date of his disability; provided such member, during the same period, is paid no salary as such member.

Section 19. That if any member of such fire department, while in the performance of his duty, become or be found to be physically or mentally permanently disabled for service in such fire department, by reason of service therein, so as to render his retirement from such service necessary, said Board of Trustees shall retire such disabled member from service in such fire department, and upon such retirement, said Board of Trustees

shall order the payment to such disabled member, monthly, from such fund, a sum equal to the designated per cent of pay of his particular position, office or class of work in said fire department as set out in table of pensions set forth in Section 23 hereof.

Section 20. That the said Board of Trustees, with the approval of the city physician, or other reputable examining physician to be selected by it, shall have the power to retire from service in such fire department any member thereof who has become disabled while in the actual performance of his duty; or any member who has performed faithful service in such fire department for a period of not less than ten consecutive years; and shall in such case place the member so retired on the pension roll, and he shall receive from such fund a sum equal to the designated per cent of pay of his particular position, office or class of work in said fire department as set out in table of pensions in Section 23 hereof, which said sum shall be so paid to him monthly.

Section 21. That any member of such fire department who has been in the service thereof for as long as twenty years, the last five of which is consecutive, and shall have attained the age of fifty-five years, upon making written application to the said Board of Trustees therefor, shall without medical examination or disability, be retired from service in such fire department; and upon such retirement, the said Board of Trustees shall direct payment to such retired member, monthly, from such fund, a sum equal to the designated per cent of pay of his particular position, office, or class of work in such department as set out in table of pensions in Section 23 thereof.

Section 22. That any member of such fire department who has been in the service thereof for as long as twenty-five years, the last five years of which is consecutive, upon making written application to the Board of Trustees therefor, shall, without medical examination or disability, be retired from service in such fire department; and upon such retirement, the said Board of Trustees shall direct the payment to such retired member, monthly, from such fund, a sum equal to the designated per cent of pay of his particular position, office or class of work in said fire department as set out in table of pensions in Section 23 hereof.

Section 23. That all pensions and relief and retirement pay provided for in this Act shall be on a graduating scale and shall increase or decrease in accord with the increase or decrease of the salaries of members of such fire department and is and shall be fixed as stated in the following table of pensions, unless the pay is otherwise provided for in this Act, namely: first, second and third class firemen and drivers, 60% of first class firemen's pay; all lieutenants, captains, assistant engineers, fire inspectors,

hydrant inspectors, secretaries, chief operator fire alarm system, assistant superintendent fire alarm system, lineman, carpenters, and mechanics, 55% of their respective salaries; first assistant chief, second assistant chief, battalion chiefs, superintendent fire alarm system, manager repair shop, 50% of their respective salaries; chief or other head of such department, present incumbent, 50% of his salary, and subsequent incumbents in office of chief 50% of salary not to exceed \$150.00 per month.

Section 24. That after any member of such fire department shall have been retired upon pension by reason of disability, the said Board of Trustees shall have the right, at any time, to cause such retired member to be brought before it and again examined by the city physician and other competent physicians and surgeons, to be selected by it, and also to examine other witnesses for the purpose of discovering whether such disability yet continues, and whether such retired member should be continued on the pension roll, but such retired member shall remain upon the pension roll until reinstated in the active service of such fire department. Such retired member shall be entitled to notice, and to be present at the hearing of any such evidence, shall be permitted to propound any questions pertinent or relevant to such matter, and shall also have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath; and any member of such Board of Trustees is hereby authorized and empowered to administer such oath to such witnesses. The decision of such Board of Trustees shall be final and conclusive and no appeal shall be allowed therefrom, nor shall the same be subject to review or reversal, except by said Board of Trustees.

Section 25. That if any member of such fire department shall, while in the performance of his duty, be killed or dies as a result of any injury received in the line of his duty, or of any disease contracted by reason of his service in such fire department, or shall die from any cause whatsoever as the result of his service in such fire department and while in such service; or after having served in such fire department for five consecutive years or more shall die, while in the service, or on the retired list, from any cause, and shall leave a widow, or child or children under the age of sixteen years, surviving, said board shall direct the payment from said fund, monthly, to such widow, during her natural life and while unmarried, a sum equal to 30% of first class fireman's salary, and for each child until it reaches the age of sixteen years, a sum equal to 10% of a first class fireman's salary, which said sum for the benefit of such child or children shall be paid to the mother, if living, monthly, so long as such child or children shall reside with and be supported by her.

Should such deceased member leave no widow or children, but a widowed mother, dependent upon him for support, the said Board of Trustees shall pay to her, during her natural life and so long as she remains unmarried, a sum equal to 30% of a first class fireman's salary, said sum to be paid her monthly. The sums herein provided to be paid widows, orphans and dependent mothers of deceased members shall be on a graduating scale, and increased or decreased according to the salary of active members of the department.

Section 26. That whenever an active or retired member of such fire department shall die as aforesaid, the said Board of Trustees shall appropriate from the said fund a sum not less than seventy-five dollars nor more than one hundred dollars for funeral and burial expenses of such deceased member, and which shall be used for such funeral and burial expenses; and the said Board of Trustees may, in its discretion, order the payment of a sum not exceeding fifty dollars for the expense of the attendance of the members of such fire department at said funeral.

Section 27. That when any member of such department shall be confined to his bed, or under the necessary care of a physician, by reason of sickness or other disability not hereinabove provided for, for as long a period as seven days, the said Board of Trustees shall direct the payment to such member from such fund of the sum of fourteen dollars, weekly, while so confined, not to exceed in any event twelve weeks; provided, however, such member shall not be entitled to any benefits or relief under this section, if such sickness or disability shall be caused by dissipation, immoral conduct or vicious habits.

Section 28. That in all matters involving the disability or sickness of members of such fire department, the said Board of Trustees shall have such disabled member, and, if it sees fit, such sick member, examined by the City Physician, or such other reputable physician or surgeon as may be selected by it, who shall report to the said Board of Trustees the result of such examination in writing; and it is hereby made the duty of such City Physician when requested so to do by the said Board of Trustees, to make such examinations and to report thereon as aforesaid.

Section 29. That after a member of such fire department shall have served in such fire department for fifteen consecutive years and shall be discharged from such fire department, he shall be entitled to receive from such fund, monthly, not less than fifteen nor more than thirty dollars, which shall be ordered to be paid to him as aforesaid by the said Board of Trustees; provided such discharge is for any other offense than a criminal act.

Section 30. That there shall be kept by the secretary of the Board of Trustees a book to be known as the List of Retired Firemen. Such book shall also give a full and complete history

and record of the action of the said Board of Trustees in retiring any and all persons under this Act, showing the names, date of entering the service of such fire department, date of retirement, and the reason for such retirement, if any.

Section 31. That when the widow or children or widowed mother, or either of them, shall be entitled to a pension as provided in this Act, such widow or children or widowed mother shall make or cause to be made an application to the Board of Trustees through the Secretary of such Board, on a form to be provided by said Board, which shall show, in the case of the widow, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence; and proof of the widow-hood of the mother of such deceased member, and her dependency for support upon him, shall be shown by affidavits of such widowed mother or disinterested persons; and the birth and ages of such children shall be shown by affidavits of the mother of such children; or disinterested persons, and by any other competent evidence. All applications and proofs shall be kept and retained in the custody of the said Board of Trustees.

Section 32. That it shall be the duty of the city attorney of such city to give advice to the said Board of Trustees in all matters pertaining to the duties of the said Board of Trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said Board of Trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and during all suits and actions in its behalf that may be required or determined upon by said Board of Trustees; and the said Board of Trustees shall have the authority to employ such other counsel as it may see fit in such matters, and to pay out of such fund reasonable attorney's fee to such counsel as it may employ as aforesaid.

Section 33. That the said Board of Trustees shall be authorized to pay out of such fund all reasonable and necessary expenses that may be incurred by it in and about the performance of its duties under this Act and in and about the management and administration of such fund; provided that in no event shall the members of said Board of Trustees receive any salary or compensation for their services out of said fund.

Section 34. That each fire insurance company doing business in such city shall file with the said board of Trustees, on or before the first day of March of each year, a statement or report in writing, showing the gross amount of premiums, less returned premiums received by such fire insurance company for and on account of business done by it in such city during the preceding year; which such statement or report shall be sworn to by the agent of such fire insurance company in such city, or some other person having knowledge of the facts; and any such

fire insurance company failing to make and file such report and statement as aforesaid, shall be subject to the same penalties as are provided in Subdivision C of Section 9, of this Act, to be collected as in said Subdivision C provided, for the benefit of such fund.

Section 35. That if any section or provision of this act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section or provision of this Act which is not, of itself, void or unconstitutional. And every Section and part thereof in this Act shall apply to every City as indicated and provided herein—words written in the singular number to be construed so that same shall so apply and govern.

Section 36. That this act shall take effect from and after its approval by the Governor, or upon its otherwise becoming a law under Section 125 of the Constitution.

Section 37. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved August 9, 1927.

No. 224.)

AN ACT

(S. 341. Teasley.

To amend an act entitled "An Act to amend the title, and Sections one, four, six, seven, eight, nine, eighteen, twenty-seven, thirty and thirty-three of an Act entitled: 'An Act to regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand and less than fifty thousand population, according to the last or any subsequent Federal census to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for such courts; to provide the rules of procedure for such courts; and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities, approved February 19, 1919, found in the General Acts of Alabama, 1919, Pages 155 to 163, inclusive" approved September 7th, 1923, found in the General Acts of Alabama, 1923, Pages 251 to 255, inclusive.

Be it Enacted by the Legislature of Alabama:

That the act entitled: 'An Act to amend the title, and Sections one, four, six, seven, eight, nine, eighteen, twenty-seven, thirty and thirty-three of an Act entitled: 'An Act to regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation and to fix the fees and costs for

such courts; to provide the rules of procedure for such courts; and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities,' approved February 19, 1919, found in the General Acts of Alabama, 1919, Pages 155 to 163, inclusive," Approved September 7th, 1923, found in the General Acts of Alabama, 1923, Pages 251 to 255 inclusive, be amended so as to read as follows:

Be it Enacted by the Legislature of Alabama:

That the title of an Act entitled: 'An Act to regulate inferior courts or courts of common pleas or by whatsoever name the same is known and called, in cities having as many as thirty-five thousand, and less than fifty thousand population, according to the last or any subsequent Federal census; to provide and define the jurisdiction and powers of such courts; to provide for the judges and officers of such courts, and their powers, duties and compensation, and to fix the fees and costs for such courts; to provide the rules of procedure for such courts, and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities,' be amended so as to read as follows: "An Act to regulate inferior courts or courts of common pleas, or by whatsoever name the same is known and called, in all cities now having as many as thirty-five thousand, and less than fifty-eight thousand population, according to the last Federal census, and in all cities that may hereafter have as many as thirty-five thousand and less than fifty-eight thousand population, according to any subsequent Federal census; to provide and define the jurisdiction and powers of such courts, and the terms thereof; to provide for the judges and officers of such courts, and their powers, duties and compensation; and to fix the fees and costs for such courts; to provide the rules of procedure for such courts; and for the operation thereof; and to provide for registering, and a lien for its judgments; and to abolish justices of the peace in such cities."

Be it Enacted by the Legislature of Alabama: That Sections one, four, six, seven, eight, nine, eighteen, twenty-seven, thirty and thirty-three be amended so as to read as follows:

Section 1. That Section 1 of said Act be and the same is hereby amended so as to read as follows: Section 1. That in all cities of the State of Alabama, now having according to the last Federal census, as many as thirty-five thousand and less than fifty-eight thousand population, and in all cities that may hereafter have as many as thirty-five thousand and less than fifty-eight thousand population, according to any subsequent Federal census, the offices of justices of the peace of precincts

lying within or partly within such cities are hereby abolished; and the jurisdiction exercised by such justices of the peace is hereby conferred upon the inferior courts or courts of common pleas, or by whatsoever name the same is known and called, created in lieu of the justices of the peace; which courts have been heretofore established in such cities, whether with or without a jury, and whether a court of record or not, and which courts may hereafter be established under the terms hereof. Whenever the provisions of this Act become applicable to any Court, such provisions shall continue to be so applicable until repealed or amended by subsequent valid statutes and shall not be rendered inapplicable or otherwise affected by future changes in the Federal Census or in Population.

Section 2. That Section 4 of said Act be and the same is hereby amended so as to read as follows: Section 4. That judges of such court, or courts, shall have and exercise concurrently with the probate judge in said county, and according to the same forms of procedure jurisdiction of proceedings for habeas corpus as may be provided for other courts in such proceedings.

Section 3. That Section 6 of said Act be and the same is hereby amended so as to read as follows: Section 6. The Judges of such court shall receive a salary of Forty-two Hundred Dollars per annum, payable monthly out of the treasury of said county, upon warrants drawn upon the county treasury.

Section 4. That Section 7 of said Act be and the same is hereby amended so as to read as follows: Section 7. The Judge of such court shall appoint a clerk who shall hold office at the pleasure of such judge, and who shall give bond in the penal sum of two thousand dollars, payable to the said county in which the city for which said court is established is situated, and conditioned to faithfully discharge the duties of his office, which bond shall be filed in the office of the judge of probate of said county, and approved by him; and said bond shall also be conditioned to pay over all moneys to the proper officers and persons to whom it is payable, and to faithfully account for all moneys coming into his hands by virtue of his office. The premium on said bond shall be paid by the county in which the Court is located.. The said clerk of said court shall receive a salary of twenty-four hundred dollars per annum, payable in monthly installments out of the treasury of said county, by warrants drawn upon the certificate of such judge that such clerk has performed the duties of his office for such month; and he shall not receive any fees whatever. The said Clerk of such court shall have the authority to swear witnesses at the trial of all criminal and civil cases in such court, and to administer and take affidavits in all cases in which oaths and affidavits are required by law, and to issue all proc-

esses issuing out of such court, including warrants, summons for witnesses, commitments, and releases of such court; and any and all processes necessary for the conduct of the business of such court, and to approve all bonds in civil cases. Said clerk shall keep the dockets and records of such courts in all civil and criminal cases, and shall certify all appeals, certiorari and transcripts; but all orders of such court shall be signed by the judge thereof. In addition to the powers conferred upon said clerk herein, he shall have all of the powers and authority ministerial and judicial now or hereafter vested in the clerks of the circuit courts.

Section 5. That Section 8 of said Act be and the same is hereby amended so as to read as follows: Section 8. The judge of such court may appoint a deputy clerk of such court whenever in the discretion of such judge the business of the court requires it, who shall hold office at the pleasure of the judge of such court. Such deputy clerk shall have and exercise all of the rights, duties and powers of the clerk of such court, and he shall give bond conditioned and payable as the bond of the clerk of such court, which bond shall be in the sum of one thousand dollars, and filed in the office of the judge of probate of said county, and approved by him. The premium on the bond to be paid by the County in which the court is located. Such deputy clerk shall receive a salary of eighteen hundred dollars per annum, payable in monthly installments out of the treasury of said county, upon the certificate of the judge of such court that he has performed the duties of his office for such time.

Section 6. That Section 9 of said Act be and the same is hereby amended so as to read as follows: Section 9. The judge of such court shall have the power to issue a restraining, or other proper or appropriate order to any justice of the peace who assumes to exercise any of the exclusive jurisdiction of such court; and any such justice of the peace may be required to show cause before the judge of such court why he should not be punished for contempt or disobedience of such order, and may punish for such contempt.

Section 7. That Section 18 of said act be and the same is hereby amended so as to read as follows: Section 18. That the Solicitor of the circuit court of said county or deputy solicitor shall be required to attend such court, and shall be the prosecuting officer therein; and shall, also, represent the State in all habeas corpus proceedings and preliminary trials for felony in such court. For every conviction of a misdemeanor in such court there shall be taxed and collected as part of the costs in each case the same solicitor's fees provided for convictions in such cases in the circuit courts of the State, which shall be paid to the clerk of such court, whether such judgment of conviction

shall be paid in such court or on appeal to the Circuit Court, and when collected by the clerk of such court it shall be paid by him into the treasury of said county.

Section 8. That Section 27 of said Act be and the same is hereby amended so as to read as follows: Section 27. That the fees and costs that are now or may hereafter be allowed by law in justices of the peace courts of the State in civil cases, shall be taxed and collected in such cases in such court, as provided by law for taxing and collecting costs in the justices of the peace courts, and when collected shall be paid over by the clerk of such court once a month into the treasury of said county.

Section 9. That Section 30 of said Act be and the same is hereby amended so as to read as follows: Section 30. When there is but one of such courts in a county, the court shall be held in the county court house, and the court of county commissioners or boards of revenue shall provide suitable and adequate rooms for the court and its officers, and supply them with all necessary records, books, files, stationery, typewriters, or other proper facilities for the efficient discharge and performance of the work and duties of the court and its officers.

Section 10. That Section 33 of said Act be and the same is hereby amended so as to read as follows: Section 33. That such court may at the discretion of the judge on each secular day open for business, and render judgments by default, nil dicit, or other judgments at any time after nine o'clock of each day; and for the trial of offenses coming within its jurisdiction, in all cases where the party or parties charged can not give bond and security for their appearance at the regular terms of such court, or desire an immediate trial. All processes of such court where no time is fixed therein, shall be returnable at nine-thirty o'clock, A.M., of the return day; provided, however, that each calendar month shall constitute a term of such court; and the judge of such court shall have the power and authority to set aside certain days during the term for the trial of civil and criminal cases; and causes may be continued for good cause shown until the next succeeding term of such court. But nothing herein contained shall be so construed as to prevent or interfere with the regular terms of such court. The judge of said court may at his pleasure adjourn court for not exceeding one month in any one year, and all cases set for trial during such period may be carried over or continued during said adjourned term.

Section 11. That all laws and parts of laws, either general, local or special, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 12. That if any section, clause or provision of this Act shall be declared to be unconstitutional, it shall not be held

to affect any other section, clause or provision, but the same shall remain in full force and effect.

Section 13. This Act shall take effect immediately upon its passage and approval.

This Act became a law under Section 125 of the Constitution of Alabama.

No. 225.)

(S. 168. Fite.

AN ACT

To provide for and establish in each and all counties of this state which now have a population of two hundred thousand people, or more, according to the last Federal Census, or which shall hereafter have such population, or more, according to any such census hereafter taken, a Court to be designated the Juvenile and Domestic Relations Court; to provide that such courts shall be courts of record; to define the jurisdiction, power and authority of such courts; to provide the means necessary, proper, or convenient for the exercise thereof; and to regulate same; to provide for a judge of such courts, and for such other officers and employees, as are necessary or convenient for the exercise of its jurisdiction, and for their compensation; to provide for, and regulate the procedure in such courts; to authorize the judge of said courts to determine the form of its records, and to adopt rules of procedure therein, where not otherwise provided for in this Act; to provide for appeals from said courts and to regulate same; to fix and regulate the taxing of costs in such courts; to provide for the transfer to the jurisdiction of such courts, certain causes pending in the Circuit Courts, and other Courts in such counties, and all causes pending in Domestic Relations Courts, or Courts of Domestic Relations, in such counties, and of all wards and probationers of such Domestic Relations Courts in such counties; to provide that if any section, paragraph, or other part of this Act shall be declared unconstitutional, that such decision shall not affect the remainder thereof, and to abolish all Domestic Relations Courts and Courts of Domestic Relations in such counties.

Be it Enacted by the Legislature of Alabama:

Section 1. That in each and all counties of this State which now have a population of two hundred thousand people, or more, according to the last Federal Census or which shall hereafter have such population, or more, according to any such census hereafter taken, there shall be and there hereby is, created and established a Court to be designated the Juvenile and Domestic Relations Court, which Courts shall be courts of record, and said courts shall have and exercise all the power, jurisdiction and authority which is herein, or which shall hereafter be conferred on such courts.

Section 2. The said Juvenile and Domestic Relations Court of such counties shall have and exercise original and exclusive jurisdiction, except as is otherwise provided herein, in their respective counties, of all actions, proceedings, or causes, of whatever kind or character arising under the terms of or for the violation of any, or all laws now in force in such counties, or arising

under the terms of, or for the violation of any ordinance of any incorporated city or town in said counties, or any law or ordinance which may hereafter be enacted, providing for the trial or disposition of, or involving: 1— The disposition, custody, control or protection of delinquent, dependent, or neglected children; 2— The prosecution and punishment of persons charged with the offenses of the abandonment or failure to support their wives, or of the abandonment or failure to support their children; 3— The prosecution and punishment of persons for the violation of any laws or regulations or ordinances for the education of children; 4— The prosecution and punishment of persons charged with the violation of any law or ordinance regulating child labor; 5— The prosecution and punishment of persons charged with contributing to the dependency, neglect, or delinquency of a male child under sixteen years of age, or a female child under eighteen years of age; 6— The prosecution and punishment of assaults, or assaults and batteries, of husbands on their wives, or of wives on their husbands; 7— The prosecution and punishment of assaults, or assaults and batteries, of parents on their children, and of children on their parents, and of such offenses on children by persons who have the custody, or control, of such children, or who stand in loco parentis to such children; 8— The prosecution and punishment of persons charged with the violation of any law having as its object the protection or enforcement of the custody and control by state institutions in said counties of children committed to the care of such institutions, or who have been received by, or are in, such institutions; 9— Bills, petitions or writs involving the custody of minors; 10— Bills, petitions or writs involving minors under Article Two (2) of Chapter Thirty-four (34) of the Code of Alabama of 1923; 11— Such Juvenile and Domestic Relations Courts shall have and exercise in such counties, all the jurisdiction, functions and powers conferred upon Juvenile Courts in such counties under the terms of an Act—"Relating to dependent, neglected and delinquent children, etc."—approved February 19th, 1919, General Acts 1919, page 128, et.seq. As amended Acts Special Session 1920, page 23) and all provisions of said Act applying to and all authority therein conferred upon, Juvenile Courts shall likewise apply to and is hereby conferred upon said Juvenile and Domestic Relations Courts, except as is herein otherwise provided. And the Judge of such Juvenile and Domestic Relations Courts shall have and exercise all the power and authority of the Judge of such Juvenile Courts, as provided for in said Act. 12— Such Juvenile and Domestic Relations Courts shall have jurisdiction to try and determine under the terms of this Act causes begun or initiated in other Courts, including Police or Recorders Courts, and which causes are by law

authorized to be transferred by such other courts to said Juvenile and Domestic Relations Courts for trial, and which causes are so transferred. 13— The prosecution and punishment of persons charged with any offense under Chapter One Hundred and Fifty-seven (157) of the Code of Alabama of 1923.

Section 3. Said Juvenile and Domestic Relations Courts shall have, as to, and in the trial and disposition of the causes, actions, proceedings, or matters of which said courts are herein given jurisdiction, or of which such courts may hereafter be given jurisdiction, all the power, jurisdiction and authority of Circuit and Chancery Courts, except as herein expressly provided; and said Juvenile and Domestic Relations Courts, as to such causes, and as to the trial and disposition thereof, are hereby given all the jurisdiction, power and authority of Circuit and Chancery Courts. The Judge of such Juvenile and Domestic Relations Courts, as to such causes, and as to the trial and disposition thereof, and as to such Juvenile and Domestic Relations Courts, generally, shall have and exercise all the power and authority of a Circuit Judge, or of a Chancellor, except as herein otherwise provided. It being the intention of this Act, as to the matters of which said Juvenile and Domestic Relations Court have jurisdiction, that all laws applicable to said Circuit and Chancery Courts, as to said matters and as to the disposition thereof, shall apply to said Juvenile and Domestic Relations Courts, and the Judge thereof, except as is herein otherwise provided.

Section 4. Said Juvenile and Domestic Relations Courts shall hold their sessions at the county site, and at such other place in such counties at which sessions of a division or branch of the Circuit Courts of such counties are now, or may hereafter, be held; and shall have and keep, at each of said places, separate dockets, for the docketing and trial of causes at such places. The time when said Juvenile and Domestic Relations Court shall be in sessions at said respective places shall be designated by an order of the Judge of said Juvenile and Domestic Relations Court spread upon the minutes of said Court; provided that said Juvenile and Domestic Relations Court shall not hold its sessions in said place other than the county site less than twice in each month; and provided further, that the causes which shall be docketed and tried in the said Juvenile and Domestic Relations Court, at its respective sessions at the county site, and at such other places in such counties where a branch or division of the Circuit Court of such counties are now, or may hereafter be held, shall be determined by the law which now, or which may hereafter determine, what common law and criminal cases shall be tried in said respective places, in said Circuit Court. Provided, however, that said Juvenile and Domestic Relations

Courts shall not have jurisdiction to hear causes arising under sub-divisions Nine (9) of Section Two (2) of this Act, arising in the jurisdiction of a division or branch of the Circuit Court of said counties held at a place in such counties other than the county site; and such causes shall not be docketed or tried in said Juvenile and Domestic Relations Courts at its sessions in said counties at a place other than the county site; provided that nothing in this paragraph shall be so construed as to interfere in any way with the jurisdiction of the said Juvenile and Domestic Relations Court over dependent, neglected and delinquent children, in said jurisdiction or at said place.

Section 5. The Board of Revenue or other governing body exercising similar powers, of each and every county in which a Juvenile and Domestic Relations Court is established by this Act shall provide for such court in its respective county, convenient and suitable quarters in which said court may transact its business; and it shall be the duty of such Board or Governing body, and it shall have full authority to do any and all things which it may deem necessary or helpful to the successful operation of such court, and to carry out the purposes and intent for which it is created.

Section 6. Said Juvenile and Domestic Relations Courts shall have no vacation period, but shall always be open to receive complaints, and to hear the causes provided for herein; provided that the Judge of such Juvenile and Domestic Relations Courts, if he so elect, shall have a vacation period in each year, not to exceed one (1) month, to be selected by such Judge. In the event of the absence of such judge during such vacation periods, or in case of sickness of the Judge of said Juvenile and Domestic Relations Court, or of his unavoidable absence, or if he is otherwise disqualified, or unable to perform his duties, for a time, or in a particular cause, such Judge so absent, or about to be absent, or otherwise disqualified, may, and he is hereby given power and authority, by order spread upon the minutes of such courts, to appoint some licensed attorney, resident of said county, and otherwise qualified under the terms of this Act, to serve as special Judge of such Court during the time or any part thereof of such absence, or absences, sickness or disqualification of the regular Judge of said court. The special Judge herein provided for, when so appointed, shall have authority, and he shall, during the absence, illness, disqualification, or other inability of such regular Judge, or the part thereof, for which he was appointed, perform all or any designated part of the duties imposed by law on the regular Judge of said court, and shall for the time which he so serves as such special Judge, receive the same compensation as said regular Judge, which shall be paid by said county, in the same way as is the salary of such regular Judge

is paid. It shall be the duty of the regular Judge of said Court to furnish the Board of Revenue or other governing body, of such county, a certified copy of the order, or orders, making such appointment, or appointments. Nothing in this Section contained shall be so construed as making it mandatory upon said regular Judge to appoint a special Judge, unless he shall deem it necessary; and provided further that said regular Judge may appoint a special Judge, for a portion of the time of such absence, sickness or other inability; and provided that he may appoint one person to serve as special Judge during a part of such time and another to serve during the remainder thereof.

Section 7. There shall be a Judge for each of said Juvenile and Domestic Relations Courts, whose term of office shall be for six (6) years, and until his successor is appointed and qualified, as provided for herein. If in any county or counties, described in this Act there exists at the time of the passage of this Act, a Domestic Relations Court, or a Court of Domestic Relations, with a Senior Judge and an Associate Judge, whose terms of office are unexpired, then and in that event, such Senior Judge of such Domestic Relations Court shall, upon the approval of this Act by the Governor be and shall become the Judge of the Juvenile and Domestic Relations Court of such county, and the Governor of Alabama shall issue to him a commission as Judge of said Court, as provided by law for commissioned officers. The successor or successors of said Senior Judge, and in such counties which have no such Senior Judge, a Judge for such Juvenile and Domestic Relations Courts, and his successor, or successors, shall be appointed by the Governor of Alabama for a term of six (6) years, and until his successor is appointed and qualified. Such Judge shall have been a citizen of the state, and of the county in which said court exercises its jurisdiction, for at least five (5) years before the beginning of his term of office, shall be learned in the law, and shall be not less than twenty-five years of age. He shall be a man of high moral character, of clean life, and shall be selected for his special fitness by training, education and experience to deal with problems of dependent, neglected and delinquent children, and of the home and family life. During his term of office he shall not engage in any other gainful occupation, or calling, but shall devote all of his time to the duties of said office. The salary of the Judges of said Juvenile and Domestic Relations Courts shall be Forty-eight Hundred (\$4,800.00) dollars per year, payable in twelve (12) equal monthly installments out of the general funds of the county in which said court is located and exercises its jurisdiction. Where not otherwise provided by law, the said Judge of said Juvenile and Domestic Relations Courts shall have authority to fix the character and form of the records of such courts, and to make

and promulgate rules of procedure, necessary, or convenient for the preparation and trial or disposition of causes, and the transaction of the business of said courts.

Section 8. Said Juvenile and Domestic Relations Court shall have a clerk and register at each place in said counties where it holds its sessions. The Judge of said courts shall designate a probation officer or officers or deputy probation officer or officers at each place in said county where it holds its sessions to act as clerks and registers of said court at such place and when so designated such probation officer or officers shall be known as clerk and register of said court at such place and shall have in addition to the authority herein conferred on probation officers, all the power and authority as to causes and matters in said courts as clerks of Circuit Courts and Registers in Chancery possess as to such courts and causes. Before entering into the discharge of such duties, such probation officer or officers shall make and file a bond in the sum of Two Thousand (\$2,000.00) dollars, conditioned as clerks of Circuit Courts bonds are conditioned. Such last named bonds shall be taken and approved as are the bonds of Circuit Clerks. The premium on such bonds shall be paid by the county in which said court exercises its jurisdiction.

Section 9. It shall be the duty of the Circuit Solicitor of such counties, who is hereby made an officer of said court, either himself or by his deputy, to represent the State in any or all causes tried in said Juvenile and Domestic Relations Court. In any such cause in which said solicitor, or his deputy, so appears, if the Judge hearing such cause shall order costs taxed and collected in accordance with the provisions of this Act, there shall be taxed and collected in addition to the other costs, a solicitor's fee, not to exceed twenty-five (\$25.00) dollars, which when collected shall be paid into the County Treasury of said county. It shall be the duty of the clerks and registers of said court to report and pay to the County Treasurer, on or before the fifth day of each month, all such fees so taxed and collected during the preceding month. There is hereby created, for the purpose of aiding in carrying out the provisions of this Act, an additional deputy solicitor in all such counties, who shall be assigned exclusively to the Court herein created, and who shall be appointed by the solicitor and who shall serve at the will of the solicitor. Such additional deputy solicitor shall receive a salary of Three Hundred (\$300.00) dollars per month, payable monthly upon the warrant of the solicitor drawn upon the County Treasurer, whose duty it shall be to pay said warrant or warrants out of the general fund of such county.

Section 10. Such dockets as are necessary or convenient shall be kept at each place where such Juvenile and Domestic

Relations Courts holds its sessions. It is hereby declared to be in the interest of the public good that all cases arising under this Act, and of which said courts are given jurisdiction, shall have a speedy trial, and to that end the Judge of said Juvenile and Domestic Relations Courts shall have authority to fix the days or time when the cases on said respective dockets at said respective places, where said court holds its sessions, shall be called to trial; provided such cases shall not be tried at an earlier date than five (5) days from the services of the process or warrant; if objections thereto is made by the defendant, or respondent, or by the parent, parents, custodian or guardian ad litem of respondent.

Section 11. The costs and fees in said Juvenile and Domestic Relations Courts shall be the same as in Circuit and Chancery Courts, but shall be taxed and collected or any part thereof, only when so ordered by the Judge of said court. Realizing that most of those who will have to do with said Juvenile and Domestic Relations Courts are poor and without the means to pay costs or fees, the Judge of such court is hereby authorized by order to tax as costs in any cause, which shall be in lieu of all other costs provided for in this Act, a fixed sum not to exceed Twenty-five (\$25.00) dollars.

Section 12. In all cases of misdemeanor of which said Juvenile and Domestic Relations Courts are herein given original and exclusive jurisdiction, or of which said courts shall be given jurisdiction by any other Act, complaints shall be made to the chief probation officer of said Juvenile and Domestic Relations Courts, or to some one designated by him, who shall cause the facts stated to be true by such complainant to be reduced to writing. Such complainant, and said written statement of facts shall be brought before the Judge of said Juvenile and Domestic Relations Court or the solicitor or any deputy solicitor of the Circuit Court. When the complainant and such written statement are presented to either of the officers named in the preceding sentence the officer before whom said complainant and such written statement are brought, shall examine said complainant and any other person or persons, under oath or affirmation concerning such statement, and any other matters by him deemed necessary in relation to such complaint, and if such officer have probable cause for believing that the offense complained of has been committed in such county and that the person accused has committed same, he shall have authority to issue a warrant for the arrest of said accused person returnable to said Juvenile and Domestic Relations Court, and to fix the amount of bail bond that said accused person shall give; provided that at any time either of said officers may increase or reduce the amount of bail as may seem just; and provided further that the officer issuing such warrant may in his discretion at the time of issuing same endorse thereon

that the officer serving same may accept the signature of the defendant on said bail bond as sufficient security. Either of the officers mentioned herein, or the sheriff of such county may approve said bail bond.

Section 13. Such warrants and other process from such courts shall be executed and returned by the sheriff of such counties, as are warrants and processes issued from and returnable to the Circuit Courts of such counties; provided, however, that in addition to the sheriff of said County or his deputy, any probation officer of said Juvenile and Domestic Relations Court, or any police officer of any municipality in such county or any constable of such counties shall also have authority to serve same, and his return shall have the same force and effect as that of the Sheriff. The officer who receives such warrants shall serve same promptly and shall immediately thereafter make return thereof to the said Juvenile and Domestic Relations Court. In the trial of all misdemeanor cases arising under this Act, or of which said Juvenile and Domestic Relations Courts are otherwise given jurisdiction, said Juvenile and Domestic Relations Courts shall determine both the law and the facts without the intervention of a jury and shall award such judgment, under the terms of this Act, or as is provided by law, as shall seem just. From such judgment the defendant shall have the right to appeal to the Circuit Court of such county and to demand in said Circuit Court a trial by jury, as provided for herein.

Section 14. In the trial of any misdemeanor of which such Juvenile and Domestic Relations Courts are given exclusive and original jurisdiction by the terms of this Act, or by any other Act, or jurisdiction by transfer from another court, upon the entry of a plea of guilty or upon conviction, the Judge of said Juvenile and Domestic Relations Court may, in his discretion by proper order entered upon the minutes of said Juvenile and Domestic Relations Courts defer, or withhold sentence, or the imposition of the penalty provided by law, and may by such order release the defendant on probation under such terms and conditions as to him shall seem just and conducive to the ends sought in this Act; or the said Judge imposing sentence may by such order suspend such sentence or stay the execution thereof, or any part thereof, and may by such order, release such defendant on probation upon such terms and conditions as to said Judge shall seem just and conducive to the ends sought in this Act. At the time of withholding or suspending such sentence, the said Judge shall have the right to order, as a condition thereto, that the defendant execute a probation bond or an appearance bond, to be approved by said Judge in such sum as shall seem just, conditioned to comply with the terms of the said order or

stay or suspension or release, or to appear in said court at such times as such appearance bond may require during the term of such sentence. Such bond may be with or without surety.

Section 15. If at any time the Judge of said Juvenile and Domestic Relations Courts be satisfied by such evidence or proof as to him shall seem sufficient that such defendant has violated the terms of any such order of release, or of any such probation, or appearance bond, said Judge may forthwith or after further probation, without notice to such defendant issue a warrant for the arrest of such defendant, to bring such defendant before the court instantler, or that said defendant shall appear before the court at a time fixed in said warrant of arrest, in which latter case pending such time such defendant shall have the right to bail in such reasonable sum as the Court or Judge thereof shall fix, failing to make, which defendant shall be committed to jail to be brought before the court for the imposition of the stayed sentence, or to serve the suspended sentence, as the case may be; in the last contingency the said Judge shall set aside the suspension of such sentence before issuing said warrant. The Judge of such Juvenile and Domestic Relations Courts shall also have the right and authority from time to time after any part of such sentence has been served to release such defendant from the remaining part of such sentence, and to suspend the remaining part thereof, and to enforce or re-enforce the remaining part as said Judge had in the first instance. The terms of such sentence, or of any remaining part thereof, after a part thereof shall have been served, shall commence from the date upon which sentence, or such remaining part thereof, is ordered to be enforced. No such sentence, or any part thereof, shall be stayed or suspended for a period longer than one year, nor shall said sentence, or any part thereof, be enforced after said period of one year from the date of the original stay or suspension thereof. If at any time after the original stay or suspension of said sentence, it shall appear to the satisfaction of said Judge, that such defendant had complied faithfully with the terms of said stay or suspension, the said Judge may enter an order staying or suspending such sentence absolutely, in which case such defendant shall be released therefrom.

Section 16. Upon the violation of the terms of any bail, appearance, or probation bond provided for in this Act, or under the terms of any other Act giving said Juvenile and Domestic Relations Court jurisdiction, the said Judge sitting as the court shall have authority and shall proceed with the forfeiture of such bonds in the same way in which bail bonds are forfeited in the Circuit Courts of such counties. Any money collected on such probation, or appearance bonds shall be held by said register and clerk for the use of such wife, child or children, to be

paid to them or to some person, agency, or institution for their use, by said register or clerk under the direction and in accordance with the orders of the said Juvenile and Domestic Relations Court.

Section 17. Every motion for a new trial, or application for rehearing of any cause decided in said Juvenile and Domestic Relations Courts shall be filed with the Clerk and register within five (5) days after the rendition of said judgment or decree, except as is herein otherwise provided for; and said motions shall be promptly heard, and decided by said court. In ruling on such motions, the court shall have the right either to set aside the judgment, order or decree complained of, and order a rehearing or new trial; or it may modify such decree, order or judgment in any way that the court could have done at the original hearing; or at the time such order was made, and as shall seem just. And the court may, in matters of discretion, *ex mero motu*, amend such orders as to it shall seem just.

Section 18. An appeal may be taken, by any party aggrieved from any final order or judgment of said courts, in any criminal case, to the Circuit Court of such counties; and from any final order or decree, in any Equity case, to the Chancery Court of such counties, or to the Circuit Courts of such counties, sitting as a Court of Equity, within ten (10) days from the rendition of such order, decree, or judgment, and not thereafter. In all equity cases, the appellant shall be required to execute an appeal bond in such reasonable sum as the Judge of said Juvenile and Domestic Relations Court shall require, which bond shall be approved by said Judge, conditioned to comply with any order or decree rendered by said Circuit or Chancery Court, including the payment of costs on appeal in said Court; and said bond, in the case of a dependent, neglected, delinquent or minor child may be upon the further condition that said child shall appear in said court at the trial of said appeal case to answer the order or decree of said Circuit or Chancery Court. In the case of any dependent, neglected, delinquent, or minor child, regardless of such appeal, and pending same, the said Juvenile and Domestic Relations Courts, or the Judge thereof, shall have authority to make such order, or orders, for the custody of such child pending the hearing on appeal, or shall be for the protection and welfare of such child, and of all parties in interest; and such Judge shall have the right to require such bond as shall be reasonable, to be approved by him, to insure compliance with such orders for the custody, protection and welfare of such child, pending such appeal. In all criminal cases, the defendant, appellant, at the time of taking such appeal, shall have the right to demand a trial by jury in said Circuit Court, and upon such demand shall be so tried at the hearing of said case in said Circuit Court.

Pending the hearing of said appeal the defendant shall be entitled to be released from custody upon his entering into bail in such reasonable amount as the Judge of such Juvenile and Domestic Relations Court shall fix conditioned upon his appearing in said Circuit Court to answer the charges pending against him on said appeal, which bail bond shall be approved by said Judge or the Sheriff of said county. If such defendant, appellant, fails to make the required bail bond, and to have same approved, he shall be confined to the County Jail until tried on such appeal. Upon taking of such appeal, the clerk and register of said Juvenile and Domestic Relations Court shall at once certify, to the clerk of the Circuit Court or the Register in Chancery, of such county, all papers in the case appealed, together with a transcript of all proceedings had in said Juvenile and Domestic Relations Court in said matter. All such cases so appealed shall be regarded as preferred cases in said Circuit or Chancery Courts, and shall be promptly heard; and it shall be the duty of the clerks or registers of such courts, and the Judges thereof, to see that such appealed cases have a prompt hearing. Upon such appeal, the said Chancery or Circuit Court shall proceed under and in pursuance of the terms of this Act, or of the law governing such cases, to try said causes de novo and shall render such judgment, order or decree as to it shall seem just. In the hearing of such appeals and in the rendition of judgments therein, the said Chancery and Circuit Courts and the judges thereof, shall have and exercise all the discretionary powers which are by law vested in said Juvenile and Domestic Relations Courts, or the Judges thereof. Upon the rendition of its judgment, order or decree the said Chancery or Circuit Court shall cause a copy of its said judgment, order or decree to be filed with the clerk and register of said Juvenile and Domestic Relations Court; which when so filed, shall thereupon become, also, the judgment, order or decree of the said Juvenile and Domestic Relations Court; and said Juvenile and Domestic Relations Court shall have the same power, jurisdiction and authority to deal with such dependent, neglected, delinquent or minor child, or such respondent or such defendant, under such judgment, order or decree as if same had been rendered by said Juvenile and Domestic Relations Court in the first instance; and as to such judgment, orders or decrees such Juvenile and Domestic Relations Court shall have and exercise all the discretionary power and authority vested in such Courts as to judgments, orders, or decrees rendered by such Courts, in the first instance. In the event that the defendant in a criminal case on such appeal is sentenced to jail or hard labor for the county he shall be remanded to jail to answer such sentence; and in the event that such sentence is withheld or suspended and defendant is released

on probation, the Court shall inform such defendant as to his duties under such probation order, and shall order him to report at once to the chief probation officer of said Juvenile and Domestic Relations Court, and thereafter said probationer shall be under the supervision of said Juvenile and Domestic Relations Court, and said court shall cause the probation bond herein provided for, to be filed with the clerk and register of said Juvenile and Domestic Relations Court, and said bond shall thereafter be subject to forfeiture in the same manner as if filed originally in said Juvenile and Domestic Relations Court. In the event that such Chancery or Circuit Court in the exercise of its equity jurisdiction does not dismiss such petition, bill or proceedings, and does not discharge such dependent, neglected, delinquent or minor child, or such respondent, such equity court shall inform such child, or person, of their duties under the order or decree of said Court in said cause, and shall remand such child or person to the said jurisdiction of said Juvenile and Domestic Relations Court under the terms of and to be dealt with by said Juvenile and Domestic Relations Court under the terms of said order or decree; and thereafter said Juvenile and Domestic Relations Court shall have the same power and authority under said order or decree, as if said Juvenile and Domestic Relations Court has rendered said order or decree in the first instance.

Section 19. Upon the taking effect of this Act all causes of which said Juvenile and Domestic Relations Court is given original and exclusive jurisdiction pending in the Circuit and Chancery Courts of such counties and all causes pending in the police, Domestic Relations or Recorder Courts or other Courts of any such county, shall be hereby transferred to the dockets of said Juvenile and Domestic Relations Courts herein created, and such Juvenile and Domestic Relations Court shall have full power and authority to hear, determine, or to do or take further proceedings in such case, as had such Circuit, Chancery and Domestic Relations Courts, Recorders, Police and other courts, or the Judge or Judges thereof; and all wards and probationers of such Circuit and Domestic Relations Courts shall become wards and probationers of such Juvenile and Domestic Relations Courts, and may be dealt with by said Juvenile and Domestic Relations Court as could such Circuit or Domestic Relations Courts or Judge, or Judges. Provided, however, that this Section shall not apply to any case or cases which may have heretofore come to the Circuit Court in any such county by appeal from a judgment of any inferior or Domestic Relations Court.

Section 20. Said Juvenile and Domestic Relations Courts shall have an official seal which seal shall be of the same general design as the seals of Circuit Courts of this State. The words "Juvenile and Domestic Relations Court of....."

County" shall appear around its border, and the word "Seal" shall appear in the center of said seal.

Section 21. This Act being remedial in its nature shall be liberally construed that it may accomplish the beneficent purposes intended thereby; and should any section, or other part thereof be declared unconstitutional by a court of competent jurisdiction, on the ground that said Juvenile and Domestic Relations Court cannot be given exclusive jurisdiction of a particular matter or subject so provided therein, then and in that event as to such matter or subject, such Juvenile and Domestic Relations Court shall have original and concurrent jurisdiction, with the Circuit and Chancery Courts of this State. No decision by a court of competent jurisdiction declaring a part of this Act unconstitutional shall affect the remainder thereof.

Section 22. All laws or parts of laws inconsistent or in conflict with the terms of this Act are hereby expressly repealed.

Section 23. Be it further enacted that all Domestic Relations Courts and all Courts of Domestic Relations in such counties be and the same are hereby abolished.

Section 24. This Act shall take effect immediately upon its approval by the Governor.

Approved August 2, 1927.

No. 226.)

(S. 330. Stokes.

AN ACT

To repeal section 2364 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama, that Section 2364 of the Code of Alabama, 1923, be and the same is hereby repealed.

Approved August 9, 1927.

No. 229)

(H. 11. Baldwin

AN ACT

To divide the State into judicial circuits for the circuit court, to be numbered and composed of the counties named.

Be it Enacted by the Legislature of Alabama:

Section 1. The State of Alabama is hereby divided into judicial circuits for the circuit courts which circuits are numbered and composed of the counties as follows: First circuit—Choc-taw, Clarke and Washington. Second circuit—Butler, Crenshaw and Lowndes. Third circuit—Barbour, Bullock, Dale and Russell. Fourth circuit—B'bb, Dallas, Hale, Perry and Wilcox.

Fifth circuit—Chambers, Lee, Macon, Randolph and Tallapoosa. Sixth—Tuscaloosa. Seventh circuit—Calhoun, Cleburne and Talladega. Eighth circuit—Cullman, Lawrence, Limestone, Madison and Morgan. Ninth circuit—Cherokee, DeKalb, Jackson and Marshall. Tenth circuit—Jefferson. Eleventh circuit—Colbert, Franklin and Lauderdale. Twelfth circuit—Coffee and Pike. Thirteenth circuit—Mobile. Fourteenth circuit—Fayette, Lamar, Marion, Walker and Winston. Fifteenth circuit—Montgomery. Sixteenth circuit—Blount, Etowah and St. Clair. Seventeenth circuit—Marengo, Green, Pickens and Sumter. Eighteenth circuit—Clay, Coosa and Shelby. Nineteenth circuit—Autauga, Chilton and Elmore. Twentieth circuit—Geneva, Henry and Houston. Twenty-first circuit—Baldwin, Conecuh, Escambia and Monroe. Twenty-second circuit—Covington.

Section 2. That within thirty days after the passage and approval of this Act the Governor shall appoint a judge of said twenty-second Circuit, who shall hold office till the general election to be held in 1928, at which time a Judge shall be elected for the said twenty-second circuit as provided by law for the election of Circuit Judges in this State.

Section 3. That if after the expiration of thirty days from the approval of this Act the solicitor of the twelfth judicial circuit shall be a resident of the county composing the twenty-second circuit, such solicitor shall be the solicitor of the twenty-second Circuit, but should such solicitor of the twelfth circuit not be a resident of the county composing the twenty-second circuit within thirty days after the approval of this Act, then the Governor shall appoint a solicitor of the twenty-second circuit who shall hold office till the general election in 1928, at which time a solicitor for the twenty-second circuit shall be elected as provided by law for the election of Circuit Solicitors in this State.

Section 4. That the Judge and Solicitor of the twenty-second Circuit herein created shall not assume the duties of their respective offices until after the expiration of thirty days from the approval of this Act, and the present Judges and Solicitors of the Circuit Courts of the several counties composing the 12th circuit shall continue to exercise their respective duties in said several counties for thirty days after the approval of this Act.

Approved August 3, 1927.

AN ACT

To make appropriation for the ordinary expenses of the State, and for interest on the public debt.

Be it Enacted by the Legislature of Alabama:

Section 1. The several sums of money or so much of every sum as may be necessary be and the same are hereby appropriated for the purpose herein specified, to be paid out of any money in the State Treasury not otherwise appropriated, for the fiscal year ending Sept. 30th, 1927:

Section 2. For the Governor's Contingent fund, \$20,000.00; for the Governor's mansion fund, \$500.00; For fuel, lights and water, \$18,000.00; for postage and box rent, \$1,000.00; for stationery and office supplies \$20,000.00; for repairing and refurbishing the Capitol, \$10,000.00; for public printing, \$50,000.00; for telephones and telegrams, \$5,000.00; for publishing proclamations of the Governor, \$7,500.00; for insurance on the capitol, and Supreme Court library, \$5,000.00; for premium on official bonds, \$2,500.00; for interest on Constitutional Loans, \$15,000.00; for Governor's interest contingent fund, \$100,000.00; for interest on bonded indebtedness, \$339,720.00; for the distribution of public documents, \$1800.00; for feeding prisoners in the county jails, \$160,000.00; for the arrest of absconding felons, \$3000.00; for the removal of prisoners, \$7,500.00; for Capitol watchmen, \$6,300.00; for Capitol servants, \$2,400.00; for the maintenance of the Department of Archives and History, \$13,000.00.

Section 3. That all unexpended balances at the end of the fiscal year, Sept. 30th, 1927, shall be reapportioned to the State officer, department, commission, board or institution for the full period of one calendar month, to be used only to liquidate liabilities incurred and unpaid prior to the last day of September, 1927, which must be prepared by such State officer, department, board or institution, and which shall show the actual liability existing upon the expiration of the aforesaid calendar month for which said unexpended balances have been used to liquidate liabilities incurred and unpaid in strict accordance with the schedule submitted by such State officer, department, commission, board or institution prior to the last day of September, 1927, after which any and all unexpended balances shall revert to the State treasury.

Section 4. That for the payment of all obligations of the State not herein specifically enumerated, such annual sum as may be necessary is hereby appropriated, and that whenever any office has been created, or wherever the salary of any existing officer has been increased and the money has not been ex-

pressly appropriated to pay the salary of the officers whose offices have been created or to pay the salaries which have been so increased, or when the appropriation made for any institution on a per capita basis is not sufficient to give the said institution the amount to which it is entitled on such per capita basis or any salary or compensation of an officer or employee has been omitted from an appropriation bill, or for which no express compensation has been provided, such sum or sums as may be necessary to pay the same at the rate or in the manner required by the existing laws is hereby appropriated.

Approved August 2, 1927.

No. 237)

(HJR 93. Rules Committee

HOUSE JOINT RESOLUTION

"RESOLVED BY THE HOUSE, the Senate concurring, that the State Tax Commission be requested to make a careful and thorough investigation of the increased income to the State under the provisions of the new Revenue Bill and make report thereof to the House and Senate at the earliest practical moment."

Approved August 2, 1927.

No. 238.)

AN ACT

(S. 331. Stokes.

To amend Section 2341 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama, that Section 2341 of the Code of Alabama, 1923, be amended so as to read as follows:

Section 2341: "Immediately after the adoption of such form of Government, which shall go into effect upon election and qualification of the Commission, the Probate Judge of the County with whom the petition was filed shall forthwith call an election to be held under and to be governed by Article 46 Chapter 43 of the Code of Alabama, 1923, except as changed herein, the expense thereof to be paid by the Municipality, for the election of three (3) commissioners by the qualified electors of the municipality. The (3) receiving the highest number of votes shall be elected thereto, whose terms of office shall commence immediately upon their election and qualification, and who shall hold office until the First Monday in October of the third (3rd) year following, and until their successors are elected and qualified, and an election shall be held on the 3rd, Monday in September of the year preceding the expiration of the term of office of said three (3) Commissioners at which election three (3) commissioners shall be elected for a period of one (1), two (2) and three

(3) years respectively, and on the same date of each succeeding year for the member of the Board of Commissioners, whose term shall expire in that year, the commissioner then elected shall hold office for a term of three (3) years from the first Monday in October of said year, and until his successor shall be elected and qualified for office."

Approved August 9, 1927.

No. 239.)

AN ACT

(S. 315. Fite

To amend Section 16 of an Act approved September 25, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act: to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;" as amended by an Act approved August 15, 1923, entitled: "An Act "To amend an Act approved September 25th, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal, all laws and parts of laws in conflict with the provisions of this Act; and to provide for the going into effect of the various sections of said Act as amended."

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 16 of an Act approved September 25, 1915, entitled: "An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of (one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to otherwise provide for the creation, conduct and maintenance of said commission form of government and to repeal all laws and parts of laws in conflict with the provisions of this Act," as amended by an Act approved August 15, 1923 entitled: "An Act "To Amend an Act approved September 25th, 1915, en-

titled: 'An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with the election of said commissioners and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act;' and to provide for the going into effect of the various sections of said Act as amended,"—be and the same is hereby amended so as to read as follows: Section 16. "Any proposed ordinance may be submitted to the Commission by petition signed by at least five thousand qualified electors of the city. All petitioners circulated with respect to any proposed ordinance shall be uniform in character and shall contain the proposed ordinance in full, and have printed thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purposes hereinafter named. Each signer of a petition shall sign his name and shall have placed on the petition after his name his place of residence by street and number, if there be such street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof stating the number of signers to each part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the affiant. All papers comprising a petition shall be assembled and filed with the Probate Judge of the county in which said city is situated as one instrument. Within seven days from the filing of a petition with him the Probate Judge shall ascertain whether it is signed by the required number of qualified electors. Upon completion of his examination the Probate Judge shall endorse upon the petition a certificate of the result thereof. If the certificate of the Probate Judge shows that the petition is insufficient he shall at once notify each member of the committee of the petitioners herein before provided for, and the petition may be amended at any time within ten days from the date of the Probate Judge's certificate of examination by filing with the Probate Judge an additional petition in the same manner as provided for the original petition. Upon the filing of such amendment the Probate Judge shall, within ten days thereafter, examine the amended petition and attach thereto his certificate of the result. If still insufficient or if no amendment shall have been

filed, the Probate Judge shall notify each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose. When the certificate of the Probate Judge shows the petition to be sufficient, he shall submit the proposed ordinance to the Commission at its next regular meeting. Such commission shall either (a) pass and adopt said ordinance without alterations within twenty days after attachment of the Probate Judge's certificate to the accompanying petition, or (b) within said time cause to be transmitted the papers and petition to the election commission, which shall call a special election unless a general municipal election is fixed within twenty days thereafter, and at such special or general election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of said city. The ballots used when voting upon said ordinance shall contain these words, "For the Ordinance" (stating the nature of the proposed ordinance,) and "Against the Ordinance" (stating the nature of the proposed ordinance), and the voter shall express his choice by a cross mark. If the majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become valid and binding ordinance of the city, and any ordinance proposed by petition and which shall be adopted by vote of the people cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for such purpose. A proposal for the repeal of such ordinance or for amendments thereto may in like manner be submitted to be voted upon and adopted at any succeeding election. Whenever any ordinance or proposal is required by this section to be submitted to the voters of the city at any election, such ordinance or proposal shall be published in the same manner as referendum ordinances or proposals are herein required to be published. The election to be held under this section shall be in accordance with general election laws governing elections in such city and all laws governing elections generally applicable to such city shall be applicable to elections held hereunder.

Approved August 11, 1927.

No. 247.)

AN ACT

(S. 431. Fite

To create the office of County Attorney in all Counties in this State, having a population of two hundred thousand or more, according to the last or any subsequent Federal Census, to prescribe the method of their election, to fix their term of office, to prescribe the duties of said office, to fix the compensation thereof and the method of their removal.

Be it Enacted by the Legislature of Alabama:

Section 1. That there be and hereby is created the office of County Attorney in all counties in this State, having a population of two hundred thousand or more, according to the last or any subsequent Federal Census and said officer is hereby declared to be a county officer.

Section 2. That after the passage and approval of this Act, that the Board of Revenue of such counties shall elect a county attorney who shall serve for a term of four years or until their successor or successors are elected and qualified.

Section 3. That it shall be the duty of such county attorney to defend all suits brought against such county, to prosecute all suits at the request of the governing body of said county; to act in an advisory capacity to the County Treasurer, Clerk of the Circuit Court, Tax Assessor, Tax Collector, Probate Judge, County Highway Engineer, Sanitary Engineer and all other county officers except the Sheriff thereof at the request of the governing body of said county; to defend all suits brought against any county officer, except the Sheriff, arising out of their duties as such officer and to render opinions on all matters involving the operation of such offices. Nothing herein contained shall affect any existing statutes relating to the employment by the Sheriff in such County or Counties of an attorney, or to the method of paying such attorney.

Section 4. That the compensation of said County Attorney shall be the sum of six thousand (\$6,000.00) Dollars per year, payable in equal monthly installments out of the general fund of such county.

Section 5. That it shall be the duty of the Board of Revenue or other governing body of such county to furnish the such County Attorney an office together with all clerical, stenographic or other assistants necessary; also to furnish stationery and supplies as are furnished to other county officers.

Section 6. That the County Attorney shall be subject to impeachment for the same causes as other county officers and the proceedings relative thereto shall be the same as now provided by law with reference to such county officers.

Section 7. That at the expiration of the term of said office that the same shall be filled by a majority vote of the Board of Revenue or other governing body of said county.

Section 8. That this act shall become effective immediately upon its approval by the Governor.

Approved August 11, 1927.

AN ACT

To amend the caption and an Act "to provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants accordig to the last or any subsequent Federal census, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued," approved February 10, 1923.

Be it Enacted by the Legislature of Alabama:

That the caption and an Act "To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest bearing warrants, at the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extention of time for payment not to extend over a period of more than ten years from date of contract upon which said warrants were issued," approved February 10, 1923, be amended, so as to read as follows: An Act To provide for the extension of the time of payment of interest bearing warrants which are issued for the payment of construction or repair of public roads and bridges, and to authorize Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to issue new interest bearing warrants, the same or a less rate of interest, in lieu of the warrants, the time of payment of which are to be extended, said extension of time for payment not to extend over a period of more than fifteen years from date of contract upon which said warrants were issued.

Section 1. *Be it Enacted by the Legislature of Alabama,* That the Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of Alabama, having a population of not less than ninety thousand and

not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, are authorized and vested with full authority to extend and re-extend the time of payment of any interest bearing warrants, which have been issued as payment for the construction or repair of any public roads or bridges in their respective Counties, or issued in extension of such payments, for such period of time as to them may seem advisable, provided such time shall not extend over a period of more than fifteen years from the date of the contract for the construction or repair of any such public roads or bridges, and upon which said contract the said warrants were issued; and in making such extension of the time of payment, such Courts of County Commissioners, Boards of Revenue, or other like governing bodies of the several counties of this State are authorized to issue new warrants, bearing interest at the same rate or a less rate than the original warrants, to the legal holder of said warrants, and deliver them to the holder of such warrants in lieu thereof, and which last said warrants shall be in form as now required by law and shall be binding and valid obligations of said County.

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved August 13, 1927.

No. 251.)

AN ACT

(S. 381. Teasley

To fix the compensation of the Coroner in all counties of this State, which now have or which may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last United States Census, or any such census which may hereafter be taken.

Be it Enacted by the Legislature of Alabama,

Section 1. That the Coroner in all counties of this State which now have or may hereafter have a population of seventy-five thousand people and less than ninety-five thousand people according to the last United States Census, or any such census which may hereafter be taken, shall receive as compensation for his services, the fees as provided for Coroners in Article 6, Sections 3751 and 3752 of the Criminal Code of 1923; in no event shall the Coroner be entitled to receive in any one year, fees exceeding in the aggregate Three Hundred Dollars.

Section 2. This Act shall take effect immediately upon its passage.

Approved August 13, 1927.

AN ACT

To require the Boards of Revenue and Road Commissioners, or like governing bodies, in each and every county in the State of Alabama, having a population of not less than eighty-five thousand (85,000) and not more than three hundred thousand (300,000), according to the last or any subsequent Federal census, to appoint a thoroughly qualified and competent person as Road Engineer for their respective counties, and to prescribe the qualifications of such engineer, and to provide for the payment of compensation of such engineer; and repealing all laws or parts of laws in conflict with this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Boards of Revenue and Road Commissioners, or like governing bodies, in each and every county in the State of Alabama, having a population of not less than eighty-five thousand (85,000) and not more than three hundred thousand (300,000), according to the last or any subsequent Federal census, shall, within ninety days after the passage and approval of this Act, appoint a thoroughly qualified and competent person as Road Engineer for their respective counties.

Section 2. That such Road Engineer shall be a graduate in civil engineering of a recognized institute of Technology or other institution or engineering school of collegiate rank, with an additional five years of actual engineering experience, of which at least two years shall have been in the field of highway engineering, or such Road Engineer shall be eligible for full membership to the "American Society of Civil Engineers."

Section 3. That said Board of Road and Revenue Commissioners or like governing bodies shall have authority to prescribe the compensation to be paid to the said Road Engineer, said compensation to be paid out of treasuries of the respective counties. The treasurer of each and every such county shall refuse to pay any salary or other allowance to any road engineer employed by any such county if such engineer does not possess the qualifications set out in Section 2 of this Act.

Section 4. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 5. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved August 11, 1927.

No. 259.)

(H. 691. Simpson)

AN ACT

To provide a fund for the support of a law Library for the Circuit Court in counties of two hundred thousand or more inhabitants, without appropriations from the State or county treasury.

Be it Enacted by the Legislature of Alabama, as follows:

Section (1). That in all civil (including equity) cases hereafter filed in or brought by appeal or certiorari to the Circuit Court, of Counties of two hundred thousand or more inhabitants there shall be taxed as costs, the sum of one dollar in each case to be collected as other costs are collected, and to be paid to the Clerk of such Circuit Court. That said sum of one dollar shall be called the "Library Tax" and shall be expended by the Circuit Court of such county by orders of the Presiding Judge thereof, for maintaining a Law Library for such Circuit Court. Provided, that this act shall not apply to cases filed by municipalities for the purpose of selling property for collection of taxes due such municipalities.

Approved August 11, 1927.

No. 262.)

(H. 351. Kirkpatrick)

AN ACT

To provide for the inspection of dairy farms and milk plants, and for the grading of the milk and cream output of such establishments.

Be it Enacted by the Legislature of Alabama:

Section 1. The sum of Twenty Thousand (\$20,000.00) Dollars, or such part thereof as may be necessary, is hereby appropriated annually for the expenditure by the State Board of Health in inspecting dairy farms, milk cooling stations, milk processing plants, and creameries, and for grading the milk and cream output of such establishments.

Section 2. The said inspections shall be made in accordance with the rules and regulations of the State Board of Health, and the grading of the milk and milk products shall be carried out in compliance with the specifications of the United States Public Health Service Standard Milk Ordinance.

Section 3. Said sum of money, having been appropriated shall be paid in monthly instalments to the State health officer on his requisition approved by the Governor, and through warrants by the auditor on the state treasurer.

Approved August 13, 1927.

No. 263.)

(H. 692. Simpson)

AN ACT

Ratifying, confirming and making effective the Act approved September 29th, 1919 as of the date of its approval, creating as an item of Court Cost in Circuits of two hundred thousand or more population, a "Library Tax" of \$2.00 and providing for its payment and collection: Ratifying, confirming and making effective, as the date of its approval, the Act approved September 27th, 1923, amending the said Act approved September 29th, 1919, excepting from the provisions of said Act certain classes of cases: Ratifying, and confirming the payment, receipt and collection by the Clerk of the Circuit Court of all sums that have been paid as and for "Library Tax" costs under the aforesaid Act approved September 19th, 1919:

Be it Enacted by the Legislature of Alabama, as follows:

Section I. That the following Act, approved September 29th, 1919, (General Acts of 1919, page 825): "An Act To provide a fund for support of a Law Library for the Circuit Court in Counties of two hundred thousand or more inhabitants, without appropriations from the State or county treasury. Be it enacted by the Legislature of Alabama as follows: "Section (1) That in all civil (including equity) cases hereafter filed in or brought by appeal or certiorari to the Circuit Court, of counties of two hundred thousand or more inhabitants, there shall be taxed as costs, the sum of two dollars in each case to be collected as other costs are collected, and to be paid to the clerk of such Circuit Court. That said sum of two dollars shall be called the "Library Tax", and shall be expended by the Circuit Court of such county by orders of the presiding Judge thereof, for maintaining a Law Library for such Circuit Court." Be and it is hereby ratified and confirmed and made effective as of and from the date of its approval September 29th, 1919.

Section II. Be it further enacted by the Legislature of Alabama, that the following Act, approved September 27th, 1923, (General Acts of 1923, page 560-1) amendatory to the Act reproduced in Section I herein above: "An Act To amend An Act entitled "An Act to provide a fund for support of a Law Library for the Circuit Court in Counties of two hundred thousand or more inhabitants, without appropriations from the State or County Treasury," approved September 29th, 1919. "Be it enacted by the Legislature of Alabama: That an Act entitled "An Act to provide a fund for support of a Law Library for the Circuit Court in Counties of two hundred thousand or more inhabitants, without appropriations from the State or County Treasury," be and the same is hereby amended so as to read as follows: "Section 1. That in all civil (including equity) cases hereafter filed in or brought by appeal or certiorari to the Circuit Court, or counties of two hundred thousand or more inhabitants,

there shall be taxed as costs, the sum of two dollars in each case to be collected as other costs are collected, and to be paid to the Clerk of such Circuit Court. That said sum of Two Dollars shall be called the "Library Tax" and shall be expended by the Circuit Court of such County by orders of the presiding Judge thereof, for maintaining a Law Library for such Circuit Court. "Section 2. That this Act shall not apply to cases filed by municipalities for the purpose of selling property for the collection of taxes due such municipalities. It is the intent of this Act that it be construed as retroactive, and that such Library Tax shall be collected in no case filed by any municipality for the purpose of collecting taxes due such municipality since the passage of the Act approved September 29, 1919. That in the event any Register of the Circuit Court in such Counties has failed to collect said Library Tax that he and the sureties on his bond are relieved from any liability whatsoever for the same. "Section 3. That all laws or parts of laws in conflict herewith be and the same are hereby expressly repealed. "Section 4. That this Act shall go into effect immediately after its passage." Be and it is hereby ratified, confirmed and made effective as of and from the date of its approval of September 27th, 1923.

Section III. Be it further enacted by the Legislature of Alabama, that the collection or receipt of all sums by the Clerk of the Circuit Court as and for "Library Tax Costs" under the aforesaid Act approved September 29th, 1919 (excepting those noted in the Act reproduced in Section II of this Act) is hereby ratified, confirmed and made valid in all respects. Be it further enacted by the Legislature of Alabama, that if any section or provision of this Act be held void or unconstitutional, it shall not affect or destroy the validity or constitutionality of any other section or provision hereof which is not of itself void or unconstitutional.

Approved August 17, 1927.

No. 264.)

AN ACT

(H. 219. Simpson)

To Amend Section 8588 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 8588 of the Code of Alabama be and the same is hereby amended so as to read as follows: In Counties having more than two hundred thousand population according to the last or any subsequent Federal census, the Jury Commission in any such county shall have authority to employ such clerical assistance as such commission deems necessary and

proper, and may expend for such clerical assistance in compensation and in paying their reasonable and necessary expenses in performing the duties of their employment a sum not to exceed four hundred and fifty dollars (\$450.00) per month to be paid out of the County Treasury upon the order of the President of the Jury Commission; In counties having more than seventy-five thousand and less than two hundred thousand according to the last or any subsequent Federal census; the commission shall employ a clerk who shall hold no other office during the term of his employment,—he shall be paid for his services rendered under the direction of the Commission, the sum of five dollars (\$5.00) per day while actually engaged in the performing his duty, to be paid out of the county Treasury upon the order of the President of the Commission.

Approved August 13, 1927.

No. 268)

AN ACT

(H. 907. Morrow

To license and to regulate the business of making loans in sums of One Hundred dollars or less, secured or unsecured in all counties of this State having a population of two hundred thousand or more according to the last or any subsequent Federal census; to prescribe the rate of interest and charges therefor; and to prescribe penalties for the violation thereof; to provide for the repeal of inconsistent laws heretofore enacted; to provide when this act shall take effect and to provide that any section or provision of this act being held unconstitutional shall not affect the validity of any other section or provision.

Section 1. *Be it Enacted by the Legislature of Alabama* that in all counties in the State having a population of two hundred thousand or more according to the last or any subsequent Federal census that no person, co-partnership or corporation shall engage in the business of making loans of money, credit, goods or things in action in the amount or to the value of one hundred dollars or less until they obtain a license from the Probate Judge of the County in which said business is to be conducted, hereinafter called the licensing official.

Section 2. Application for license shall be in writing, and shall contain the full name and address, both of the residence and place of business of the applicant; and if the applicant is a co-partnership, of every member thereof; or if a corporation, of every officer thereof; also the county and municipality, with street and number, if any, where the business is to be conducted. Every such applicant at the time of making such application shall pay to the licensing official the sum of one hundred dollars as an annual license fee and in full payment of all expenses for

examination under and for administration of this Act, five dollars of which sum shall be retained by the Probate Judge as his fee and the balance shall be remitted by him to the State Treasurer; and provided that upon the payment of said license fee, the applicant shall not be required to pay any other privilege or license tax to the State, nor shall the applicant be required to pay the license or privilege tax for engaging in said business to any county exceeding 50% of the amount required herein to be paid the licensing official of the State; but this provision shall not affect the collection of any advalorem taxes assessed and levied by the State or any county.

Section 3. The applicant shall also at the same time file with the licensing official a bond in which the applicant shall be obligor in the sum of one thousand dollars, with sufficient sureties, whose liability as such sureties shall not exceed the sum of one thousand dollars in the aggregate, to be approved by the licensing official, and said bond shall run to the State of Alabama for the use of the State and of any person or persons who may have a cause of action against the obligor of said bond under the provisions of this Act. Such bond shall be conditioned as provided by law and that said obligor will pay to the State and to any such persons any and all moneys that may become due or owing to the State or to such person or persons from said obligor under and by virtue of the provisions of this Act.

Section 4. Upon the filing of such application and the approval of said bond, and the payment of said fee, the licensing official shall issue a license to the applicant to make loans in accordance with the provisions of this Act for a period which shall expire the 30th day of September, next following the date of its issuance. Such license shall not be assignable.

Section 5. If in the opinion of the licensing official, the bond shall at any time appear to be insecure or exhausted, or otherwise doubtful, an additional bond in the sum of not more than one thousand dollars satisfactory to the licensing official shall be filed within ten days after notice to the licensee; and upon failure of the obligor to file such additional bond, the license shall be revoked by the licensing official. When the second bond is filed the first one becomes void and the sureties relieved of all liability thereon.

Section 6. The licensing official may, after a licensee has been convicted by a court of competent jurisdiction of a violation of this Act revoke such license; and in case the licensee shall be convicted by a court a second time of a violation of Section fifteen of this Act, the licensing official shall revoke such license, provided that the second offense shall have occurred after a prior conviction; and thereafter no license shall be issued to such licensee, nor to the husband or wife of the licensee, nor to any

co-partnership or corporation of which he is a member or officer.
 Section 7. The license certificate shall be kept conspicuously posted in the place of business of the licensee.

Section 8. No person, co-partnership or corporation so licensed shall make any loan provided for by this Act under any other name. No more than one place of business shall be maintained under the same license, but the licensing official shall issue more than one license to the same licensee upon the payment of an additional license fee.

Section 9. Whenever the licensee shall change his place of business, he shall at once give written notice thereof to the licensing official, who shall attach to the license his approval in writing of the change.

Section 10. The licensing official, for the purpose of discovering violations of this Act, may either personally or by any person designated by him at any time, and as often as he may desire, investigate the loans and business of every licensee and of every person, co-partnership and corporation by whom or by which any such loan shall be made, whether such person, or co-partnership or corporation shall act or claim to act as principal agent or broker, or under or without the authority of this Act; and for that purpose, he shall have free access to the office or place of business, books, papers, records, safes and vaults of all such persons, co-partnerships and corporations; he shall also have authority to examine under oath all persons whomsoever whose testimony he may require relative to such loans or business.

Section 11. The licensee shall keep such books and records in his place of business as will enable the licensing official to determine whether the provisions of this Act are being observed. Every licensee shall preserve the records of final entry used in such business, including cards used in the card system, if any, for a period of at least two years after the making of any loan recorded therein.

Section 12. No licensee or other person, co-partnership or corporation shall print, publish or distribute, or cause to be printed, published or distributed in any manner whatsoever any written or printed statement with regard to the rates, terms or conditions for the lending of money, credit, goods or things in action in amounts of one hundred dollars, or less, which is false or calculated to deceive.

Section 13. Every person, co-partnership and corporation licensed hereunder may loan any sum of money not exceeding in amount the sum of one hundred dollars, and may charge, contract for and receive thereon interest at a rate not to exceed two-thirds of one percentum per month. Interest shall not be payable in advance, or compounded, and shall be computed on unpaid balances. In addition to the interest herein provided for, no

further or other charge or amount whatsoever for any examination, service, brokerage or commission shall be directly or indirectly charged, contracted for nor received, except for the lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for filing or recording or releasing in any public office any instrument securing the loan, which fees may be collected when the loan is made or any time thereafter. If interest or charges in excess of those permitted by this Act be charged or contracted for the licensee shall have no right to collect any interest or charges whatever. No licensee shall have the right directly or indirectly to charge, contract for or receive any interest or consideration greater than eight per centum per annum upon the loan, use or forbearance of money, goods, or things in action, or upon the loan, use or sale of credit, of the amount or value of one hundred dollars or less.

Section 14. Every licensee shall: Give to the borrower a plain and complete receipt for all payments made on account of any such loan at the time such payments are made: Permit payment of the loan in whole or in part prior to its maturity, with interest on such payment to the date thereof: Upon repayment of the loan in full, mark indelibly every paper signed by the borrower with the word "paid" or "Cancelled" and release any mortgage, restore any pledge, cancel and return any note, and cancel and return any assignment given by the borrower as security.

Section 15. No licensee shall take any confession of judgment or any power of attorney. Nor shall he take any note, promise to pay, or security that does not state the actual amount of the loan and the time for which it is made, nor any instrument in which blanks are left to be filled after execution.

Section 16. No person, co-partnership or corporation, except as authorized by this Act, shall directly or indirectly charge, contract for or receive any interest or consideration greater than eight per centum per annum, upon the loan, use or forbearance of money, goods or things in action, or upon the loan, use or sale of credit, of the amount or value of one hundred dollars or less. The foregoing prohibition shall apply to any person who as security for any such loan, use or forbearance of money, goods or things in action, or for any such loan, use or sale or credit, makes a pretended purchase of property from any person and permits the owner or pledgor to retain the possession thereof, or who by any device or pretense of charges for his services or otherwise seeks to obtain a greater compensation than is authorized by this Act. No loan for which a greater rates of interest or charge than is allowed by this Act has been contracted for or received, wherever made, shall be enforced in this State except to the principal thereof; and each loan shall be a separate and distinct transaction and neither the borrower or lender shall,

under one loan avail himself of any equity or security had under another or different loan.

Section 17. Any person, co-partnership or corporation, and the several officers and employees thereof who shall violate any of the provisions of Section one, two, seven, eight, eleven, twelve and fifteen of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment of not more than six months, or by both such fine and imprisonment in the discretion of the court.

Section 18. This act shall not apply to any person, co-partnership or corporation doing business under any laws of this State, or of the United States, relating to Banks, trust companies, building and loan associations, or to farmers and turpentine operators supplying their hands and tenants or to persons, firms or corporations making real estate loans.

Section 19. That the Act entitled "An Act to regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker, and Etowah Counties" approved March 9th, 1901, be and the same hereby is repealed.

Section 20. This Act is intended as an entire revision of the subject matter of loans of one hundred dollars or less and all laws and parts of laws, local, general or special in conflict or inconsistent with the provisions of this Act, be, and the same are hereby repealed.

Section 21. That if any paragraph, section, clause or provision of this act shall be declared or held to be invalid or unconstitutional, the same shall not affect or render invalid any other paragraph, section, clause, or provision which is not within itself, unconstitutional or invalid.

Section 22. That this Act shall become effective immediately upon its passage and approval by the Governor.

Approved August 11, 1927.

No. 269)

AN ACT

(H. 743. Jeter

To fix and regulate the compensation of the Registers of the Circuit Court in Counties in the State having more than two hundred thousand population, according to the last or any succeeding federal census, and to provide for the payment of such compensation.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties of this State having more than two hundred thousand population according to the last or

any succeeding federal census, the Register of the Circuit Court shall receive a salary of \$6000.00 per annum payable in equal monthly installments out of the general funds of said County, in the same way and manner as the salary of other county officers or employees are now paid.

Section 2. This bill shall take effect upon its approval by the Governor and all laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved August 13, 1927.

No. 270.)

(HJR. 66. Goode

HOUSE JOINT RESOLUTION

WHEREAS, the Congress of the United States has passed an Act approved by the President February 24, 1925, entitled, "An Act to authorize the more complete endowment of agricultural experiment stations, and for other purposes"; and

WHEREAS, it is provided in Section 2 of said Act that "The grants of money authorized by this Act are made subject to legislative assent of the several States and Territories to the purpose of said grants;" Therefore

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that the assent of the Legislature of the State of Alabama be and is hereby given to the purposes of the grants made in that Act, and that the Trustees of the Alabama Polytechnic Institute are hereby authorized and empowered to receive and apply them for the benefit of the agricultural experiment station, in accordance with the terms and conditions expressed in the Act of Congress aforesaid.

Approved August 13, 1927.

No. 273)

(H. 878. Rogers of Mobile

AN ACT

To repeal the act entitled "An Act to regulate the practice of the Thirteenth Judicial Circuit of Mobile County."

Be it Enacted by the Legislature of Alabama:

Section 1. That the act entitled "An act to regulate the practice of the Thirteenth Judicial Circuit in Mobile County," Acts 1900-01, page 852, is hereby repealed.

Approved August 11, 1927.

No. 281.)

(HJR. 155. Pegues)

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that a Committee of five be appointed to consist of three members of the House to be appointed by the Speaker of the House and two members of the Senate to be appointed by the President of the Senate, which committee shall sit in session to study the School Code as Revised and make a report to each House as soon as possible with recommendations for changes where deemed necessary.

Approved August 17, 1927.

No. 282)

(H. 955 Patterson)

AN ACT

To repeal an Act, entitled "An Act to regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties," approved March 9, 1901, (Acts 1900-1901, pages 2685 to 2688) in so far as the same relates to or affects any and all counties of this State having a population of forty-five thousand or less according to the last preceding or any subsequent official and published Federal Census.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Act entitled "An Act to regulate the business of money brokers and persons who lend money for themselves or others on bill of sale, notes or mortgages on personal property or other personal security, in Jefferson, Morgan, Walker and Etowah Counties," approved March 9, 1901 (Acts 1900-1901, pages 2685 to 2688), in so far as the same relates to or affects any and all counties of this State having a population of forty-five thousand or less according to the last preceding or any subsequent official and published Federal Census, be and the same is hereby repealed.

Section 2. That all laws and parts of laws in conflict herewith be and the same are repealed.

Section 3. This Act shall take effect immediately upon its approval by the Governor.

Approved August 11, 1927.

No. 283)

(S. 296 Mitchell)

AN ACT

To provide for the revision, codification, digesting and promulgation of the public Statutes of Alabama relating to Education.

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Board of Education is hereby authorized and empowered and directed to elect a code Commissioner whose duty it shall be to revise, digest and codify all of the public statutes of Alabama of a general and public nature relating to Education.

Section 2. That payment of said Code Commissioner shall be made from funds available under present laws to the State Board of Education and shall be made payable upon such terms as may be agreed upon by the State Board of Education and said Code Commissioner and shall be payable in the same manner and method as other payments are made out of said funds.

Section 3. It shall be the duty of said Code Commissioner at least six Legislative days before the adjournment of the present Legislature to deliver said code to the Governor of this State, together with a sworn statement showing each and all changes he shall have made and call attention to each and all additions thereto and omissions from the present law.

Section 4. The said Commissioner shall prepare, appropriate chapters, titles and sub-divisions of titles, for each chapter, clearly, briefly, and succinctly expressive of the subjects treated, and place all public laws appertaining to the subject in appropriate order; said commissioner shall not simply transfer or transcribe the laws enacted by the Legislature, but shall, without changing the sense, so alter the phraseology as to eliminate and exclude all redundancy, prolixity and obscurity of expression, and when there shall be several acts relating to, or embracing the same subject, they shall be gathered together and condensed into one, and so worded as to clearly and fully set forth the substance and meaning of the whole, having regard to the judicial exposition thereof; whenever it shall be apparent that there are Legislative omissions, or mistakes, in any statute, said commissioner shall supply and rectify the same so as to correct and perfect such statute, and render its meaning clear and its operation complete, and shall add such original notes and references as may be proper for the clear elucidation of them, and for easy and ready reference to the several laws from which they may be compiled, showing as far as may be when such acts and statutes and laws became operative and when amended, to which shall be appended in appropriate arrangement a citation and digest of all the decisions of the Supreme Court, construing, explaining or discussing such sections or acts.

Section 5. Such commissioner shall prepare and submit an accurate, full, complete and comprehensive index to each separate volume of said code, which shall contain an alphabetical arrangement of all the various subjects contained in such volume, and each subject and section shall be thus indexed, and said index shall also contain a word index referring to the ordinary word expressive of the subject, treated, and each reference shall be to sections of the Code, and the page thereof, of each and both.

Approved August 11, 1927.

No. 287.)

AN ACT

(H. 55. Grove

To submit to the qualified voters of the State of Alabama, at the General election to be held in November, 1928, for their consideration, an amendment to the Constitution of the State of Alabama, so as to authorize and empower the Legislature of Alabama, from time to time, by general or local laws, to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances to be charged or received by any county officer of Mobile County, Alabama, including the Sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Registers of the Circuit and Chancery Courts, and including the method or basis of their compensation.

Be it Enacted by the Legislature of Alabama:

Section One. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified voters of Alabama for their consideration, as hereinafter set forth, viz: "The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the costs, charges of courts, fees, commissions, allowances to be charged or received by any County Officer of Mobile County, Alabama, including the sheriff, Judge of Probate, Tax Assessor, Tax Collector, Clerk of the Circuit Court and Registers of the Circuit and Chancery Courts, and including the method and basis of their compensation."

Section Two. That it shall be the duty of the Governor of Alabama to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least eight successive weeks next preceding the general election in November, 1928, of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration together with the proposed amendment.

Section Three. That at the general election in November, 1928, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon

the ballots used at such election shall be printed the following, viz: Amendment To Constitution, Authorizing The Legislature of Alabama, by General Or Local Laws, From Time To Time, To Fix, Regulate And Alter The Costs, Charges Of Courts, Fees, Commissions, Allowances To Be Charged Or Received By Any County Officer Of Mobile County, Alabama, Including The Sheriff, Judge Of Probate, Tax Assessor, Tax Collector, Clerk of The Circuit Court And Registers Of The Circuit and Chancery Courts, And Including The Method And Basis of Their Compensation. Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of the elector shall be indicated by a cross-mark by him or her opposite the word expressing his or her desire.

Section Four. The officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment the votes cast thereat shall be canvassed, tabulated and the returns thereof be made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Approved August 13, 1927.

No. 288.)

(H. 243. Hampton

AN ACT

To create the 23rd Judicial Circuit of Alabama; to provide for the appointment and election of a judge and solicitor therefor; and to fix their salaries.

Section 1. *Be it Enacted by the Legislature of Alabama*, that there is hereby created and established a separate judicial circuit to be known as the 23rd Judicial Circuit, composed of the county of Madison, which is hereby detached from the Eighth Judicial Circuit.

2. That immediately after this act becomes effective the Governor shall appoint a judge of said circuit, who shall have the qualifications prescribed by law for judges of the circuit court and shall reside in said circuit, and who shall hold office

until the next general election and until his successor is elected and qualified.

3. That immediately after this act becomes effective the Governor shall appoint a solicitor of said circuit, who shall have the qualifications prescribed by law for solicitors of the circuit court, and who shall hold office until the next general election for solicitors and until his successor is elected and qualified.

4. Said judge shall receive the same salary as is received by other circuit judges in the state in circuits consisting of but one county and having but one judge; and said solicitor shall receive the same salary as is received by other solicitors in the state in like circuits; such salaries to be payable as in such other circuits. Approved August 17, 1927.

No. 289.)

AN ACT

(S. 179. Fite

To amend Sections 375, 376, 387, 392, 393, 402, and 403 of the Code of 1923.

Be it Enacted by the Legislature of Alabama that Sections 375, 376, 387, 392, 393, 402 and 403 of the Code of 1923 be amended so as to read as follows: That Section 375 be amended so as to read as follows:

375. (305) (1563, 1572) BOARD OF REGISTRARS TO HOLD FIXED MEETING AND GIVE NOTICE THEREOF. The board of registrars in each county shall visit each precinct at least once and oftener if necessary between October first and December thirty-first, 1927, and each two years thereafter, to make a complete registration of all persons entitled to register, and shall remain there at least one half a day. They shall give at least twenty days' notice of the time when, and the place in the precinct where they will attend to register applicants for registration, by bills posted at three or more public places in each election precinct, and by advertisement once a week for three successive weeks in a newspaper, if there be one published in the county. Upon failure to give such notice or to attend any appointment made by them in any precinct, they shall, after like notice, fill new appointments therein. The time consumed by the board in completing such registration shall not exceed thirty working days in any county, except that in counties having more than one hundred and fifty thousand population as shown by the last preceding census, the time shall not exceed seventy-five working days. The board of registration in each county shall meet at the court house on the fourth Monday in January, 1928, and each two years thereafter and shall remain in session ten working days for the registration of voters.

That Section 376 be amended so as to read as follows: 376 **SPECIAL REGISTRATION.** In addition to the regular registration provided in this article, the courts of county commissioners, boards of revenue, or other courts of like jurisdiction of the several counties may make an order requiring the books of registration to be opened for ten working days during the month of January, 1921, and each two years thereafter, for the purpose of registering voters, except in counties having more than one hundred and fifty thousand population, as shown by the last federal census or any succeeding federal census, in which counties the Board of Registration shall be opened on the second Monday in December, 1928, second Monday in February, 1929, second Monday in April, 1929, second Monday in June, 1929, second Monday in August, 1929, and every two years thereafter and remain in session six days at each of such sessions for the purpose of registering voters. That Section 387 be amended so as to read as follows:

387. **LIST OF NAMES REGISTERED BY PRECINCTS TO BE PUBLISHED.** The Judge of Probate shall, from the registration lists heretofore and hereafter returned to his office, including those registered prior to January 1, 1902, and excluding those names stricken therefrom, as shown by the list returned to him under section 401 make correct alphabetical lists of all electors registered by precincts and by districts of precincts, where precincts have been divided or subdivided, which list shall be certified by him officially to be a full and correct copy of the list of registered electors for each precinct, and where a precinct has been divided or subdivided, for each district of each precinct respectively, as the same appears from the returns of of the registrars on file in his office. The Judge of Probate shall after the first day of February, 1922, and of each year thereafter, compare such official list of registered electors with the poll tax lists which have been furnished him by the tax collector, and shall ascertain from such comparison the names of such persons on the official list of registered electors who have failed to pay any poll tax which they are legally due, and by such comparison and other available information, said Judge of Probate shall make correct alphabetical lists of all of the qualified electors registered by precincts and of districts of precincts where precincts have been divided or subdivided, and who have paid all poll tax due. Said lists so made up shall be published by him in some newspaper with a general circulation in said county on or before the 15th day of April, 1922, and of each two years thereafter, and together with said lists there shall also be published a certificate that said list constitutes the correct list of all qualified electors who will be entitled to vote in any elections held in said county from the time of such publication until the first day of

May of the next succeeding year, and also a notice that any voter duly registered whose name has been inadvertently or through mistake omitted therefrom and who has paid all poll taxes due and who is legally entitled to vote shall have ten days from said publication to have his or her name entered upon said list of qualified voters. If within such ten days any voter shall reasonably satisfy said judge of probate by proper proof that any name should be added to such list, his or her name shall be added thereto. An alphabetical list by districts and precincts of those so added within said ten days shall be prepared and published by said judge of probate in some newspaper with a general circulation in said county on or before the first day of May, 1922, and each two years thereafter. The alphabetical list of voters published by said judge of probate on or before the fifteenth day of April, together with the names added and published on or before the first day of May, shall be the official list of qualified voters in said county and for the districts and precincts therein for the next ensuing year, until a new list is published, and no person whose name does not thereon appear shall be allowed to vote nor shall he or she be allowed to vote except in the precinct, or if the precinct has been divided into districts, in the district in which his or her name on said list appears, unless such person complies with the qualifications prescribed by law for challenged voters, and the judge of probate shall deliver, or cause to be delivered, to the inspectors at each voting place in his county a list of said qualified electors immediately preceding every election or primary.

That Section 392 be amended so as to read as follows: 392. (323) **TIMES FOR PURGING LIST OF REGISTRATION.** The board of registrars shall meet in each county on the first Monday in January, 1928, and every two years thereafter, for purging the registration list, and may continue in session one week. The names of those who have died, become non-residents of the State, become insane, and been so declared by inquisition of lunacy, or who have been convicted of any offense mentioned in section 182 of the constitution, since being registered, or otherwise disqualified as electors under the provision of the constitution, and any names which may have been fraudulently entered on such list, shall be stricken from the registration list.

That Section 393 be amended so as to read as follows: (393) (324) **NOTICE AND HEARING WHEN NAMES ARE TO BE STRICKEN FROM LIST.** When the name of any elector is proposed to be stricken from the registration list, unless he or she is dead or is a non-resident of the State, notice shall be issued to him or her by the board of registrars, citing him or her to appear before the board on the second Monday in February, following, and show cause why his or her name should not be

stricken from the list. Said notice shall be served by the sheriff at least five days before the second Monday in February. The board of registrars shall in addition to the above notice give notice in some newspaper published in the county by one insertion.

That Section 402 be amended so as to read as follows: 402 CLERICAL ASSISTANTS TO MAKE INSPECTION LIST. The judge of probate may employ such assistants and clerical help as may be necessary to complete and properly prepare the list of qualified electors which the judge of probate is required to furnish the election inspectors. Such assistants shall be paid out of the county treasury by warrants drawn by the commissioners court, board of revenue, or other governing body, on certificate of the probate judge, accompanied by the certificates of the person being paid, showing the amount is due under the provisions of this article; but the entire amount spent for such assistants and clerical help shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by five cents.

That Section 403 be amended so as to read as follows: 403 SALARY OR COMPENSATION OF BOARD OF REGISTRARS. The chairman of the board of registrars in counties having a population of more than one hundred and fifty thousand, according to the last or any succeeding federal census, shall be furnished an office at the Court House in such counties by the Board of Revenue, or board of like jurisdiction. In such counties where there is more than one court house, the Board of Revenue, or board of like jurisdiction, shall determine at which court house the office of the Chairman of the Board of Registrars shall be located. The Chairman of the Board of Registrars shall have the power and authority to employ a chief clerk and such other clerical help as may be necessary for the efficient discharge of the duties of his office. The chief clerk shall be paid the same salary, in the same manner, as is paid to the other chief clerks in the several departments of the county, as fixed by the Board of Revenue, or board of like jurisdiction. The salaries of the said chief clerk and other clerical assistants shall be fixed by the Board of Revenue, or board of like jurisdiction. The Chairman of the board of registrars shall receive a salary of three thousand dollars per annum, to be paid in twelve monthly payments, out of the funds of the county treasury, in the same manner as other county officers are paid. For each working day spent by the Chairman of the Board of Registrars for the purpose of registering voters, the State shall pay the amount paid to the other registrars, said amount being in addition to the salary hereinabove stated, and in all such counties the duties, power and authority given to and required of the judges of probate by article 3 of chapter 19 of the Code of Alabama, 1923, and acts

amendatory of any sections thereof, shall be conferred, done and performed by the chairman of the board of registrars. This Act shall take effect immediately upon its approval by the Governor, and all laws and parts of laws in conflict herewith are expressly repealed. And if any section or clause of this Act should be held unconstitutional, such invalidity shall not effect the constitutionality of any other section or clause herein contained.

Approved August 20, 1927.

No. 292.)

(H. 341. Long

AN ACT

To provide for and authorize an incorporation by the Alabama Highway Director, the President of the State Board of Administration of Alabama and the Chairman of the State Tax Commission of Alabama, for the purpose of constructing or causing to be constructed bridges and the approaches, for public use, on, or connecting highways in this State; to prescribe its powers and duties; to exercise the right of eminent domain; to provide for the raising of necessary funds for such purpose; to prescribe the rights and powers of the purchasers of any bonds issued; to maintain and operate such bridges, to operate any such bridge or bridges for toll until the cost of construction and maintenance shall have been paid; to provide for the payment of interest on said bonds by the State of Alabama.

Section 1. *Be it Enacted by the Legislature of Alabama that* incorporation by the Alabama Highway Director, the President of the State Board of Administration of Alabama, and the Chairman of the State Tax Commission of Alabama, be and hereby is authorized, for the purpose of constructing, or causing to be constructed, bridges and approaches thereto for public use on, or connecting highway in this State to prescribe its powers and duties; to exercise the right of eminent domain; to provide for raising necessary funds for such purposes; to prescribe the rights and powers of the purchasers of any bonds issued hereunder; to maintain and operate such bridges; to operate any such bridge or bridges for toll until the cost of construction and maintenance shall have been paid, and to provide for the payment of interest on said bonds by the State of Alabama, as follows: (1) **AUTHORITY TO INCORPORATE.** The Alabama Highway Director, the President of the State Board of Administration, and the Chairman of the State Tax Commission may become a corporation with the power and authority hereinafter defined, by proceeding according to the provisions of this article. (2) **PROCEEDINGS TO INCORPORATE.** To become a corporation, the Alabama Highway Director,

the President of the State Board of Administration, and the Chairman of the State Tax Commission shall present to the Secretary of State of Alabama an application signed by them, which shall set forth: (a) The name, official designation and official residence of the applicants, together with a certified copy of the commission evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire to become a corporation under this article; (b) The term of office of the applicants, and the place where, if any, the official commission of applicants is kept of record; (c) The name which is proposed for the corporation; (d) The location of the principal office of the proposed corporation, (which shall be Montgomery, Alabama); (e) Any other matter relating to the incorporation which the applicants may choose to insert, not inconsistent with the Constitution and laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State of Alabama to take and certify oaths, who shall certify upon the application that he personally knows the applicants and believes them to be the officers as asserted in the application, and that they each subscribed and swore thereto in the officer's presence. The Secretary of State shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation in this State, or so nearly similar thereto as to lead to confusion and uncertainty, he shall receive and file it, and shall record it in an appropriate book of record in his office. (3) **CERTIFICATE OF INCORPORATION.** When the application has been made, filed and recorded, as herein provided, the applicants shall constitute a corporation under the name proposed in the application; the Secretary of State shall make and issue to the applicants a certificate of incorporation, pursuant to this article, under the seal of the State, and shall record the same with the application. (4) **POWERS OF.** The corporation under this article shall have the following powers: 1. To have succession by its corporate name for twenty years. 2. To sue and be sued and defend, and to make and use a corporation seal, and to alter the same at pleasure. 3. To receive, take and hold by sale, gift, lease, devise, or otherwise, real and personal estate of every description, and to manage and dispose of the same by any form of legal conveyance or transfer, with full power and authority to borrow money and to convey by mortgage or deed of trust; to acquire, hold, purchase, receive by bequest or devise, and to convey or otherwise dispose of all such real, personal and mixed property as may be necessary or convenient for the construction, operation or maintenance of bridges and approaches thereto at crossings of the hereinafter designated streams, or for the conduct

and maintenance of the business of building, constructing and maintaining the bridges hereinafter described; to borrow money, to issue notes, bonds or other negotiable paper, mortgage, pledge or otherwise transfer or convey its real, personal and mixed property to secure the payment of money borrowed, or any debt contracted. 4. To appoint and employ such officers and agents as the business of the corporation may require. 5. To wind up and dissolve itself, or be wound up and dissolved in the manner in this article provided. 5. POWERS, SPECIAL. The main purpose of the corporation shall be to construct, maintain and operate bridges at the points herein named, and across the streams herein referred to, as well as the approaches thereto. The corporation is authorized to make the necessary surveys, soundings and borings, to determine the design of each bridge and make or procure the proper plans and drawings, excepting however, that such bridge shall be of the standard design of the State Highway Commission of Alabama, and shall be in conformity with the laws of the United States and the requirements of the War Department. For the purpose of providing funds for the building of the bridges herein authorized, the corporation is hereby authorized to borrow money from time to time in such amounts as it may be deemed best, and as the Governor may approve, and to execute therefor the notes or bonds of the corporation, signed by the three members thereof, and attested by the Secretary of State, and to secure said notes or bonds and mortgage, to pledge the bridges and the tolls collected from said bridges for such time as may seem proper to said corporation, with the approval of the Governor. The tolls collected from said bridges, as hereinafter provided, shall be kept in a separate fund by the State Treasurer, and are hereby specially pledged for the payment and retirement of the notes, bonds and mortgage, principal and interest, as the same become due, until the whole of them shall be paid. The notes or bonds herein authorized shall be payable in lawful moneys of the United States, and shall be in such form and denominations, and be payable at such times and places as the corporation may determine, and shall be free from taxes of all kinds in the State of Alabama. Such notes or bonds shall be negotiated on the best terms obtainable, at not less than par, and shall bear interest at not to exceed six percent per annum, payable quarterly, semi-annually or annually, as the corporation may determine, and may be renewed from time to time and shall be made to mature at such times and in such amounts as that they may conveniently be retired out of the funds hereinabove specially pledged for their payment. (6) The interest on said bonds may be paid out of the residue of the receipts from gasoline tax collected by the State under the Excise Gas Tax Act approved January 25, 1927, and known as the Gasoline Tax Act

after there has been taken from that fund the amount necessary to meet all of the primary purposes to which said gas tax fund is pledged under Article XXA as an Amendment to the Constitution of the State, and as provided for in Section 10 of the Act approved January 25, 1927; or the interest may be paid out of the net receipts from the Convict Department as authorized by amendment to Section 93 of the Constitution, declared by Proclamation on November 17, 1908; or the interest may be paid out of any funds in the Treasury as authorized by the amendment to Section 93 of the Constitution, as set out above. Such an amount of money as may be necessary to pay the interest herein provided for is hereby appropriated out of any monies in said funds not otherwise appropriated. The payments herein provided for shall be made on the requisition of the corporation, approved by the Governor, and by warrants drawn by the State Auditor upon the State Treasurer, designating the fund out of which said interest may be paid. (7) DEPOSIT OF PROCEEDS. The proceeds of such notes or bonds shall be turned into the State Treasury, and shall be carried in a special bridge account to the credit of the corporation, and shall be subject to be drawn on by the corporation, upon the approval of the Governor, but solely for the purpose of building, constructing and maintaining the bridges and approaches herein authorized. Said corporation herein provided for shall build and construct fifteen bridges in Alabama under the provisions of this Act but all of said fifteen bridges shall be located by the State Highway Commission of Alabama. And contracts for the construction of such bridges as the corporation may determine to build shall be let within twelve months from the final passage of this act, or as soon thereafter as is reasonable and consistent with safe construction. As soon as any of the bridges herein authorized are put in operation, the corporation shall arrange for and supervise the collection of tolls for the use of said bridges, which shall be at such rates as the corporation may fix. The toll rates shall be posted in a conspicuous place at each end of the bridge, or its approaches, and at the places of collecting the tolls. Commuter's tickets for those making frequent use of a particular bridge may be sold at reduced rates upon such terms and subject to such restrictions as may be approved by the corporation. The Corporation is hereby given authority to contract with the Board of Revenue, Court of County Commissioners, or like governing body of any county in which a bridge may be constructed under the provisions of this Act, for said County to pay annually a sum of money to be agreed upon by the corporation and said County authority; said sum of money to be in lieu of all toll for residents of said county; said sum of money to be paid only so long as the named bridge is under toll. All toll keepers shall be appointed

and may be removed by the corporation, and shall execute bond for the faithful performance of their duties, and for the due and proper accounting of all moneys received by them, such bonds to be made to the corporation in such amounts and with such sureties as said corporation may prescribe and approve. The toll keepers shall keep such records and make accounting and settlement at such times and in such manner as the corporation may prescribe, and a statistical record showing the number of tolls paid at each bridge, and the source of them, shall be kept by said corporation, and on the 10th of each month the corporation shall report and pay into the treasury of the State all of the funds so derived by it at each bridge, and the treasurer shall keep such aggregate funds in a separate "Toll Bridge Account." The funds in the toll bridge account shall be available to the corporation for the maintenance of the bridges constructed under this act, and the residue shall from time to time be applied and paid out by the corporation for the retirement of the notes or bonds hereinabove authorized, and when the cost of all the bridges built under this act has been repaid, all of said bridges shall be immediately opened as free bridges to the travelling public, and shall thereafter be maintained as a part of the State highway system. The word "approaches" in this act shall include such spans or ramps and surfacing as may be necessary to afford proper and convenient access from a point on the natural ground level not below the high water elevation on one side of the stream to a like point on the other side, and over such distance as in the opinion of the corporation is necessary, consistent with good engineering practice to permit such access when the stream is at its highest stage. The word "appurtenances" in this act shall include such necessary banisters, guardway, toll-gate and house and safety signs as in the opinion of said corporation may be necessary or proper for the protection of the travelling public, and of public property, and for the proper carrying out of this act. The corporation is authorized to acquire by donation, or in its own name to condemn by eminent domain such property, including gravel pits or other road material as may be necessary to carry out the purposes of this act, and for that purpose to bring and prosecute all necessary condemnation suits, and the Attorney General and Circuit Solicitor in each case shall act as attorney for the corporation without additional compensation, and any judgment rendered, or allowance or allowances agreed upon by the corporation shall be paid as a part of the expense of building such bridge. The corporation shall have the right to take possession of any such property or road material immediately upon filing petition for its condemnation, and the procedure shall be in other respects as now provided by law for the condemnation by the State of Alabama. The corporation is

hereby authorized and empowered to build such bridges, either by contract, or on force account. All contracts entered into by the corporation in connection with the building of these bridges shall be in writing, prepared by the Attorney General of the State of Alabama, and in conformity with the requirements of the State Highway Commission, and all contracts shall be approved by the Governor. In the sale of notes, bonds or mortgage, the corporation shall have the right and power to agree with the lender of the money in default of the payment of principal and interest, either or both, and in the event of foreclosure, that the purchaser at the sale shall have the right to operate the bridges upon the rate of toll provided herein, for such length of time as the corporation may agree may be necessary for the lender to get a return of the moneys, with interest not exceeding six percent, and expense of foreclosure, including expense of operation and maintenance. The corporation shall make and enforce all such reasonable rules and regulations not inconsistent with the terms of this Act, as may in its opinion be proper and suitable for the protection of said bridges, approaches and appurtenances, and for the safety of the traveling public. (8) **MAXIMUM AMOUNT OF BONDS:** The maximum amount of bonds outstanding at any time shall not exceed Five Million Dollars. (9) **DISSOLUTION.** Any corporation under this article may be dissolved by the applicants or their successors filing with the Secretary of State their application therefor, which shall be subscribed, sworn to and certified as in the case of an application for incorporation. Upon the filing of said certificate, the corporation shall cease, and all of its property rights shall pass to the State of Alabama, but no applicant shall be responsible for liabilities of the dissolved corporation in any greater sum than the value of the property of such corporation which may come into his possession under its dissolution. The Secretary of State shall record the application for dissolution and shall make and issue under the seal of the State his certificate that the corporation is dissolved, and shall record the certificate with the application for dissolution. (10) **SUCCESSION:** Should any applicant die, or his term of office expire before the dissolution of the corporations, his successors in office shall take his place and official position as a member of said corporation. (11) **NO FEES TO THE SECRETARY OF STATE.** There shall be no fees paid to the Secretary of State for any work in connection with the incorporation or dissolution of the corporation. (12) **RECORD-PRIMA FACIE EVIDENCE.** Any record kept or certificate issued in pursuance of this article, or a copy of any such record certified to be true by the legal custodian thereof, shall be received in evidence in all courts, and shall be prima facie evidence of the facts therein recited, or thereby shown. (13) **OFFI-**

CERS OF CORPORATION. The president of said corporation shall be the Alabama Highway Director, and the Vice-President and the Secretary to be selected and designated by the three members.

Section 2. No officer of the corporation shall draw any salary in addition to that now authorized by law for his services, in connection with said corporation.

Section 3. This act shall take effect immediately upon its passage and approval.

Section 4. Should any provision of this act be declared unconstitutional, it shall not affect the remaining part of the act.

Approved August 31, 1927.

No. 293.)

(H. 887. Ware

AN ACT

To Make An Additional Appropriation For The Maintenance Of The State Child Welfare Department.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the maintenance of the State Child Welfare Department, including all expenses, in addition to the appropriation already existing, the following: Fifty thousand dollars (\$50,000.00) for the fiscal year beginning October 1, 1927; Fifty thousand dollars (\$50,000.00) for the fiscal year beginning October 1, 1928; and Seventy-five thousand dollars (\$75,000.00) for the fiscal year beginning October 1, 1929, and a like amount annually each year thereafter.

Approved August 18, 1927.

No. 294.)

(H. 647. Webb

AN ACT

To validate and legalize elections heretofore held under the provisions of an act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special

district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest-bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities," and under the provisions of Article 12 of an act of the Legislature approved September 26, 1919, entitled, "An Act to provide a complete educational system for the State of Alabama, etc.," or any amendments thereto, or any subsequent acts of the Legislature relating to special school tax elections.

Be it Encated by the Legislature of Alabama:

Section 1. That all elections, whether in school districts or in counties, which have heretofore been held under the provisions of an Act of the Legislature approved February 13, 1919, entitled, "An Act to provide for elections to authorize any county in the State to levy and collect a special county tax for public school purposes not to exceed thirty (30) cents on each one hundred (\$100.00) dollars worth of taxable property in such county; to authorize any school district, in any county that may be levying special county taxes for school purposes of not less than thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such county, to levy a special district tax for school purposes not to exceed thirty (30) cents on each one hundred dollars (\$100.00) worth of taxable property in such school district; and to authorize boards of education to issue interest bearing warrants to erect, repair and equip school buildings and to otherwise improve school facilities." and under the provisions of Article 12 of an Act of the Legislature approved September 26, 1919, entitled, "An Act to provide a complete educational system for the State of Alabama, etc.," or any amendments thereto, or any subsequent acts of the Legislature relating to special school tax elections, which said elections resulted in a majority of the votes cast being in favor of the special tax for school purposes, and which said elections were irregular by reason of failure to give notice thereof in any newspaper, or by reason of any other irregularity prior to the actual holding of the elections, be and the same are hereby ratified and confirmed and given effect in all respects as if all the conditions, preliminary and prior to the actual holding of such elections, required by the aforesaid Act had been duly and legally complied with. Provided the provisions of this Act shall not apply to districts in which said three mill tax election has been held and declared illegal by the board of county commissioners in said county in which said election was held prior to the passage of this Act.

Approved August 19, 1927.

No. 295.)

(H. 828. Morrow

AN ACT

To amend an Act entitled an Act, "To further prescribe the duties of County Treasurers in Counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds," approved October 31st, 1921.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 4 of an Act entitled an Act, "To further prescribe the duties of County Treasurers in Counties of more than two hundred thousand population according to the last or any subsequent preceding Federal Census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of County funds", approved October 31, 1921, be and the same is hereby amended so as to read as follows: Section 4. Any or all moneys received by any county treasurer from any designated depository as interest on the county monies shall be applied by such treasurer to the various county funds in proportion to the amount each of said funds bears to the total deposit earning such interest and such treasurer shall include in each annual report hereafter made by him a certificate showing the name of the designated bank or trust company acting as depository for the county funds together with a statement showing the rate of interest paid by such depository and the amount of money paid to the county as interest by such depository, and an itemized statement showing the amount each county fund received from this source during the twelve months previous to October 1st, next preceding the date of such treasurer's annual report.

Approved August 20, 1927.

No. 307.)

(H. 282. Golson

AN ACT

To amend Article 5, Chapter 144, Section 4158, 4159, and 4160 of the Code of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That sections 4158, 4159, and 4160 of the Code of 1923 relating to frauds concerning checks, drafts, etc., be amended to read as follows: 4158. Giving check or draft when funds

insufficient to cover. Any person who with intent to defraud shall make or utter a check or draft upon any bank knowing at the time that he has no funds or insufficient funds in such bank with which to pay the same, shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Thousand (\$1000.00) Dollars and may also be sentenced to hard labor for the county for not longer than six months.

4159. OBTAINING MONEY OR OTHER PROPERTY OR CREDIT BY CHECK, DRAFT OR ORDER WHICH IS NOT PAID. Any person who acting for himself or another with intent to defraud shall make or draw or utter or deliver any check, draft or order for the payment of money upon any bank or other depository knowing at the time of such making, drawing, uttering or delivering that the maker or drawer has not sufficient funds in or credit with such bank or other depository for the payment of such check, draft or order, although no express representation is made in reference thereto and shall obtain therefor any money, merchandise, property, services or other thing of value, shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Thousand (\$1000.00) Dollars and may also be sentenced to hard labor for the county for not longer than six months.

4160. EVIDENCE OF INTENT AND LACK OF FUNDS. Testimony of defendant. In any prosecution under the two preceding sections as against the maker or drawer of a check, draft or order for the payment of money the making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee because of lack of funds or credit, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository; and where such check, draft or order has been protested, the notice of protest thereof shall be admissible as proof of such presentation, non-payment and protest and shall be presumptive evidence that there was a lack of funds in or credit with such bank or other depository. The word "credit" as herein used shall be construed to mean an arrangement or understanding with the bank, depository, person, firm or corporation for the payment of such check, draft or order. Upon the trial of any person charged with violating the preceding sections the defendant shall be a competent witness to testify to his circumstances or intent when he drew the check, draft or order.

Approved August 20, 1927.

No. 308.)

(SJR. 90. Jackson)

SENATE JOINT RESOLUTION

WHEREAS, sad intelligence has come to the Legislature of Alabama that former Governor Braxton Bragg Comer has passed to the beyond and that his funeral will be held this afternoon at four o'clock and

WHEREAS, former Governor Comer was an outstanding courageous and forward-looking Governor of the great State of Alabama; and

WHEREAS, he was a virile and conspicuous figure in the public life of Alabama for many years; and

WHEREAS, he was a Christian citizen and progressive leader in all the things that made for good citizenship in the State and in the Nation; Now Therefore

BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, that out of respect to his memory and as a tribute to his greatness as a Statesman and a citizen that we extend to the State our sorrow at his passing and to his family and friends our sincere sympathy in their bereavement; and that a copy of this resolution be sent to the family.

BE IT FURTHER RESOLVED that the Senate and House recess during the hour of his funeral and that when the Legislature adjourns for the day that it adjourn to meet on Thursday, as a token of its respect and sympathy.

Approved August 17, 1927.

No. 309.)

(H. 357. Lovelace)

AN ACT

In relation to public education. To provide for prescribing courses of study and for the selection, adoption, securing and distributing of text book.

Be it Enacted by the Legislature of Alabama:

Section 1. The State Board of Education, on the recommendation of the State Superintendent of Education, shall prescribe the minimum contents of courses of study for all public, elementary and high schools in the State, and shall fix the maximum number of books which are compulsory in each grade of the elementary schools.

Section 2. The State Board of Education, on the approval of the State Superintendent of Education, shall appoint a committee to be known as the committee on courses of Study, to con-

sist of not less than seven nor more than ten members actively engaged in teaching in the public elementary schools, high schools, normal schools or colleges of the State, two of whom shall be engaged in primary work, whose duty it shall be to prescribe the courses of study for the elementary and high schools of the State showing the minimum contents for the different kinds and grades of schools. The Committee on Courses of Study shall also prepare, or cause to be prepared, for approval and adoption the compulsory maximum contents of the courses of study for each grade of the elementary schools.

Section 3. The Committee on Courses of Study shall submit a report of their recommendations to the State Superintendent of Education at least once every three years, and may submit a report of recommendations at any time they see fit. It shall be the duty of the Superintendent of Education to submit to the State Board of Education the report of said Committee on Courses of Study, together with such recommendations as he may think proper. The members of the Committee on Courses of Study shall serve for a period of six years and they shall hold office until their successors shall be appointed. The State Superintendent of Education shall be ex-officio chairman of the Committee on Courses of Study. The Committee on Courses of Study shall meet at the call of its chairman and organize by selecting someone to act as secretary who shall be charged with the duty of keeping an accurate record of its proceedings.

Section 4. Before transacting any business each member of the Committee on Courses of Study and its secretary shall take an oath before someone authorized to administer oaths to faithfully discharge the duties imposed upon him as a member or as secretary of said Committee on Courses of Study, and that he has no interest as an author, an associate author, a publisher, a representative of authors or publishers, and that he is in no way connected with the distribution of books, or pecuniarily interested directly or indirectly in the business or profits of any person, firm or corporation anywhere engaged in manufacturing, publishing or selling school books. The Committee on Courses of Study shall receive the same compensation and expenses as that hereinafter provided for the members of the Text Book Committee and shall not remain in session at any one time for a longer period than thirty days.

Section 5. Immediately upon the passage and approval of this Act it shall be the duty of the State Board of Education, on the approval of the State Superintendent of Education, to appoint the Committee on Courses of Study herein provided, and immediately upon the appointment of said Committee it shall be the duty of the Committee to convene on the call of its chairman as soon thereafter as may be convenient, not more than

sixty days after the passage and approval of this Act. It shall be the duty of the Committee on Courses of Study, upon its convening, to canvass the entire courses of study of the elementary schools, high schools, and to make their report as soon thereafter as is practicable and feasible to the State Board of Education. In making such study and canvass of the courses of study in the schools of the State as herein provided, the Committee on Courses of Study shall avail itself of information secured by the Joint Recess Text Book Committee of the Legislature.

Section 6. In every elementary school in the State there shall be taught reading, spelling and writing, arithmetic, oral and written English, geography, history of the United States and Alabama, elementary science, hygiene and sanitation, physical training and such other studies as may be prescribed by the State Board of Education. English shall be the only language employed and taught in the first six grades of the elementary schools in the State.

Section 7. The State Board of Education shall upon the recommendation of the State Superintendent of Education, appoint a Text Book Committee to consist of seven members, each of whom shall be a well known educator, engaged in public school work. The State Superintendent of Education shall be ex-officio Chairman of said Text Book Committee. The Text Book Committee shall meet at the call of its chairman and organize by selecting one of the employes of the Department of Education to act as secretary of said Text Book Committee, who shall be charged with the duty of keeping an accurate record of all its proceedings. Before transacting any business, each member of the Text Book Committee and its Secretary shall take an oath, before some person authorized to administer oaths, to discharge faithfully all the duties imposed upon him as a member or as secretary of said Text Book Committee, and that he has no interest, directly or indirectly in any contract that may be made under this Act; also that he will not reveal to anyone, except to the Text Book Purchasing Board, as provided by law, the findings, ratings and gradings of the Text Book Committee. The Text Book Committee provided for in this Act shall maintain its organization for six years unless otherwise ordered by the State Board of Education.

Section 8. As soon as practicable, and not later than three days after its organization, the Text Book Committee shall advertise in such manner and for such length of time and at such places as may be deemed advisable that at a certain time and place sealed bids or proposals will be received from publishers of school text books for furnishing books to the public schools in the State of Alabama, through such agencies or in such manner or by such method as may be provided under the terms of this

Act. The bids or proposals by said publishers shall be for furnishing books for a period of six years, unless otherwise ordered by the State Board of Education. Said bids shall state specifically and definitely the price at which the books shall be furnished, and shall be accompanied by specimen copies of each and every book proposed to be furnished. The Text Book Purchasing Board shall advise the Text Book Committee the various methods it will probably adopt for the distribution of text books in the State of Alabama, and each bid shall specifically state the particular price the book will be furnished under each alternative method which the Text Book Purchasing Board reserves the right to use in the distribution of text books.

Section 9. Each publisher who makes a bid or proposal to furnish school text books shall be required to deposit with the Treasurer of the State a sum of money such as the State Board of Education shall require, but not less than \$500.00 nor more than \$2,500.00, according to the number of books such bidder proposes to supply, which sum or deposit shall be forfeited absolutely to the State Board of Education for the use of the text book fund hereinafter provided for if the bidder making the deposit shall fail or refuse to make and execute such contract and bond as the State Text Book Purchasing Board may require. The time within which said contract and bond shall be executed shall be stated in the advertisement inviting bids or proposals. All bids shall be sealed and deposited with the Secretary of State, to be delivered by him to the Text Book Purchasing Board when requested to do so by the Governor. All such bids shall be opened in the presence of the State Text Book Purchasing Board.

Section 10. The Text Book Committee shall consider the merit of each text book, taking into consideration the subject matter, printing, binding, material and mechanical make-up, and shall grade or rate each such book according to its merits, suitability and desirability. The grading or rating of such text books shall be both as a whole and separately as to each matter the Text Book Committee is required to consider. The grading or rating of such books shall be in executive session, and the findings of the Text Book Committee shall not be revealed to anyone except to the Text Book Purchasing Board, as provided by law. It shall be a misdemeanor for any member of said Text Book Committee or the secretary thereof, or for any other person, to disclose said ratings and gradings to anyone except to the Text Book Purchasing Board, until after the contracts are made. Anyone found guilty of disclosing said ratings and gradings shall be fined not exceeding Five Hundred (\$500.00) Dollars and also may be imprisoned or sentenced to hard labor for a term not exceeding six months.

Section 11. The Text Book Committee shall report to the Text Book Purchasing Board the three most meritorious and

desirable books for each subject, and may make a report as to any number of books if it deems such a report would be beneficial to the Text Book Purchasing Board. Such report may include, in addition to the grading and rating of the books, as herein before provided, any information or expression of opinion which would aid or benefit the Text Book Purchasing Board in the discharge of its duty. If there be a difference of opinion among the members of the Text Book Committee as to the merits of a book, any member of the Committee may file as a part of said report his individual opinion as to the merits of that book. No book shall be selected as suitable and desirable by the Text Book Committee which contains anything of a partisan character.

Section 12. The Governor, the State Superintendent of Education and the President of the State Board of Administration shall constitute the Text Book Purchasing Board. The Governor shall be chairman and the State Superintendent of Education the secretary of said Board. It shall be the duty of the Text Book Purchasing Board to select a uniform series of text books for use in the public schools of the State for a period of six years unless otherwise directed by the State Board of Education. No book shall be adopted by the Text Book Purchasing Board which has not been rated as suitable or desirable by the Text Book Committee. It shall be unlawful for any school official, director or teacher to use any book upon the same branches other than those adopted to the exclusion of the regularly adopted books.

Section 13. As soon as practicable after the Text Book Purchasing Board has received the report of the Text Book Committee it shall notify all publishers whose books have been determined to be suitable by the Text Book Committee that the Text Book Purchasing Board will, at a certain time and place, negotiate with the publishers for the furnishing of text books for the public schools of the State. The Text Book Purchasing Board shall have full power to provide for text books for the public schools of the State, to adopt any book which has been determined as suitable and desirable by the Text Book Committee as a uniform text book for use in the public schools of the State, and to contract with the publisher for such books. The Text Book Purchasing Board shall not advise the publisher the rating or grading as to suitability and desirability given the books by the Text Book Committee. After the Text Book Purchasing Board has examined the bids and proposals of the publishers, it may negotiate with the publishers in the event it considers the price at which the book is offered too high, for the purpose of ascertaining whether or not a more reasonable price can be secured.

Section 14. The Text Book Purchasing Board shall enter into contracts for the furnishing of said text books upon such terms as said Board deems to the best interest of the patrons of the public schools. When the contract is executed, the publishers shall enter into a bond in such sum as may be designated by the Text Book Purchasing Board, conditioned upon the faithful, honest performance of the contract. Said bond shall also provide for the payment of attorney's fee in case of recovery in any suit on same. The Text Book Purchasing Board shall prescribe a minimum amount which shall be recovered on such bond for each breach thereof as liquidated damages, and such amount shall be written into said contract as the minimum amount which may be recovered as liquidated damages in case of each breach thereof.

Section 15. Should any person, firm or corporation fail or refuse to execute the contract and submit therewith his bond as required by law within thirty days after the awarding of the contract, the cash deposit will be deemed forfeited to the State of Alabama and the Treasurer shall place such deposit in the State Treasury to the credit of the Text Book Fund. The mailing of a registered letter announcing the awarding of the contract shall be sufficient that the notice was given and received. When any person, firm or corporation shall have executed the contract and submitted his bond within the time required by law, the Text Book Purchasing Board shall advise the Treasurer of the State in writing of such fact, and the Treasurer shall return to the publisher the cash deposit made by him. The Text Book Purchasing Board shall also inform the Treasurer of the names of the unsuccessful bidders, and upon the receipt of such notice the Treasurer shall return to them the amount deposited in cash by them at the time of the submission of their bids.

Section 16. Both the President of the State Board of Administration and the Superintendent of Education shall preserve in their offices the specimens or sample copies of all books which have been made the basis of any contract as the standard of quality and excellence to be maintained in such books. The President of the State Board of Administration shall also retain and preserve in his office the original bid or proposal and the contract and bond executed for the furnishing of said books. Each County Superintendent of Education shall be furnished like specimens or sample copies of said books, which shall be preserved by him and which shall always be open to inspection by the public. Books furnished under each and every contract shall at all times during the existence of the contract be equal in all respects to the specimen or sample copies furnished with the bids or proposals.

Section 17. It shall be the duty of the State Superintendent of Education to negotiate with publishers of text books or authors of text books for the preparation and publication, or either, of special text books for use in the public schools of the State. In the event anyone undertakes the preparation of a special text book for the purpose of making the same more suitable and desirable for use in the public schools of the State, the State Superintendent of Education shall cause to be submitted such specially prepared text book or such specially arranged text book to the State Text Book Committee for its findings and rating as to its desirability and suitability for the purposes offered, and if approved by the Text Book Committee same shall be certified to the State Text Book Purchasing Board for its consideration.

Section 18. In the event the Text Book Purchasing Board is unable to obtain what it considers a desirable contract for a text book on any particular subject with publishers whose books have been given approval by the Text Book Committee, the Text Book Purchasing Board may require the State Superintendent of Education to negotiate with publishers or persons to secure the preparation of a text book on such subject, or to secure the submission of other texts on such subjects for consideration by the Text Book Committee. The Text Book Purchasing Board may take such other action as it may deem proper to secure an advantageous contract in behalf of the patrons of the public schools of the State, provided that no book shall be adopted by said Purchasing Board unless the same has been found suitable and desirable for the purposes for which it was intended to be used by the Text Book Committee.

Section 19. It shall be the duty of the State Board of Administration to provide for the distribution of text books, in the State of Alabama by such method and in such manner as shall be approved by the Text Book Purchasing Board. The Text Book Purchasing Board shall have the power and authority to purchase text books for the public schools of the State; or the Text Book Purchasing Board may contract for consignment of said books by the publishers to the State to be distributed and sold to the patrons of the public schools by such methods and in such manner as the Text Book Purchasing Board deems to the best interest of the patrons of the public schools. The Text Book Purchasing Board shall also have the power and authority to contract with the publishers for the sale and distribution of text books to the patrons of the public schools or may set up from time to time any other regulation or method which the Text Book Purchasing Board considers will secure the prompt distribution of books at the lowest price to the patrons of the public schools of the State. Provided, however, that no books shall be shipped

to the State on consignment except on requisition or order of the State Board of Administration.

Section 20. After the Text Book Purchasing Board has approved the general plan or method of handling and distributing text books, it shall be the duty of the State Board of Administration to carry into effect such plan. The State Board of Administration shall have full control and direction of ordering, shipping and collecting the purchase price of the text books, if the same are handled by purchase by the State or by a consignment to the State for distribution. The State Board of Administration shall have full power and authority to contract with individuals, corporations, county boards of education and city boards of education for the handling and distributing of text books to the patrons of public schools. Provided, however, that no books shall be shipped to the State on consignment except on requisition or order of the State Board of Administration.

Section 21. There is hereby appropriated out of the funds of the Treasury not otherwise appropriated the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars to be used as a revolving fund for the securing and distribution of text books in the event the same are handled by the State Board of Administration. Said appropriation shall be paid out upon the warrant of the State Auditor, issued upon the requisition of the President of the State Board of Administration, approved by the Governor. Said fund shall be reimbursed from time to time upon the sale of the text books for the securing and distribution of which payments are made from said appropriation. The Text Book Purchasing Board, with the approval of the Governor, shall prescribe the maximum price which shall be paid by the patrons of the public schools for each text book. Such prices shall only be sufficient to reimburse the State for its expenditure in purchasing, handling, distributing, insuring and other expenses properly incurred in the handling of the books, and the amount added to the purchase price to reimburse the State for handling, distributing, insuring and other expenditure shall not exceed five (5%) per cent of the price at which the State receives the book from the publisher either on consignment or by purchase; provided further that as a profit or commission for the handling of the books by the local book agent, by the county board of education or the city board of education, as the case may be, not more than ten (10%) per cent of the price at which the State contracts for the books with the publisher, either on consignment or by purchase, may be allowed for such local distribution of books. The Text Book Purchasing Board shall prescribe in the contract with the publisher, or arrange with the State Board of Administration for the printing or stamping in or upon each book the maximum price which shall be charged for such text book, and

where such text book is sold in any city or county at a lower price than the maximum price provided, by reason of a contribution to the purchase price by the City Board of Education or by the County Board of Education, and by the State out of the Text Book Fund hereinafter provided, then in such event the Text Book Purchasing Board, or the State Board of Administration, under its supervision, shall provide for the printing or stamping in or upon each such book the maximum price which shall be charged in such city or county.

Section 22. Each County Board of Education shall have the authority to provide, by agreement with the State Board of Administration, for the distribution of text books within said County, provided the County will undertake and guarantee to distribute such text books to the patrons of the public schools at a lower price than the State Board of Administration can furnish or arrange to furnish such books. Each Board of Education of a city or municipality shall have the authority to provide, by agreement with the State Board of Administration, for the distribution of text books within such municipality, provided such municipality will arrange and guarantee to furnish such text books to the patrons of the public schools at a lower price than the State Board of Administration or the County Board of Education can furnish or arrange to furnish said text books. In the event any County Board of Education or City Board of Education undertakes to provide for the distribution of text books, such Board shall deposit with the Treasurer of the State such amount as shall be prescribed by the State Board of Administration to secure payment to the State for books secured from the State.

Section 23. The County Boards of Education, the City Boards of Education, Courts of County Commissioners, and other like governing bodies of counties, and municipal councils or other governing boards of a municipality, shall have the power and authority to appropriate funds for the purpose of creating a revolving fund to be used in securing and distributing text books, and also for the purpose of contributing to the expense of furnishing text books. The revolving fund permitted by this section shall be reimbursed from moneys received from sales of text books.

Section 24. Whenever any County Board of Education or Board of Education of any municipality proposes to assist in the expense of furnishing text books to the patrons of the public schools, said County Board of Education or Board of Education of a municipality shall apply to the State Board of Administration for State aid in the defraying of such expense upon the following conditions: There shall be deposited in the State Treasury sufficient funds, the amount to be determined by the State

Board of Administration, to defray at least ten per cent of the cost of the text books which it is estimated will be used in the elementary schools of said county or municipality. Upon such deposit the State of Alabama shall credit from the appropriation hereinafter made for that purpose a sum equal to ten per cent of the estimated cost of securing and distributing said text books to the patrons of the public schools of said county or municipality. The Text Book Purchasing Board shall have full authority and power to promulgate such rules and regulations as it deems necessary or advisable to properly carry into effect the intent and purpose of this section, and it shall be necessary for the said county or municipality to comply with said rules and regulations to be entitled to the benefits of the State Appropriation made to assist in defraying expenses of furnishing text books to the patrons of the public schools. A failure of said county or municipality to strictly abide by said rules and regulations shall forfeit to the State the funds deposited by said county or municipality, and empower the State Board of Administration to take full control and charge of the distribution of text books within said county or municipality.

Section 25. There is hereby appropriated by the State of Alabama out of moneys in the Treasury not otherwise appropriated the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars annually for the purpose of matching funds as herein before provided deposited to assist in the defraying of the expenses of securing and distributing text books to the patrons of the public schools. The moneys hereby appropriated shall be known as the School Text Book Fund. Provided, however, that the appropriation herein contained shall not be available until, in the opinion of the Governor, the money in the Treasury warrants the release of the appropriation, and said appropriation shall not be released until approved by the Governor.

Section 26. County Board of Education, City Boards of Education, the Courts of County Commissioners, and other like governing bodies of the Counties or municipalities, shall have power and authority to appropriate funds for the purpose of purchasing text books for free distribution or for rental to the patrons of its public schools under such rules and regulations as shall be prescribed by the respective County Boards of Education or City Boards of Education.

Section 27. As soon as practicable after the adoption of a uniform series of text books, the State Board of Administration shall advise the County Superintendents of Education, City Superintendents of schools, and other interested parties, that the State Board of Administration is willing to negotiate with the counties and municipalities relative to the distribution of text books, that the authorities may have an opportunity of taking

charge of the distribution of text books and of obtaining State aid in defraying the expense of securing and distributing text books. As soon as practicable after arrangements have been made for the distribution of text books, the State Superintendent of Education shall issue a bulletin to all parties interested containing a list of books adopted, the maximum price at which the book is to be sold in each locality and the agencies handling the distribution of text books, and such other information as he may deem necessary.

Section 28. No County Board of Education and no Board of Education of any municipality shall have authority to use any public school funds for the purpose of assisting in defraying the expenses of securing and distributing text books until sufficient public funds have been provided for the maintenance of a free public school for not less than seven months.

Section 29. The members of the Text Book Committee shall be paid the sum of Ten (\$10.00) Dollars per day during the time they are engaged in such work, and in addition shall receive ten cents per mile for each mile traveled from their homes to the place of meeting and return, to be paid out of the revolving fund appropriated for the use of the State Board of Education. Such expenses shall be allowed for each meeting it is necessary to hold. Each member of the committee, before receiving funds for salary or expenses, shall make and swear to a statement of the number of miles traveled and the number of days engaged. When it becomes necessary to pay out any funds in accordance with the provisions of this section, the State Superintendent of Education shall make requisition upon the State Auditor, who shall draw his warrant upon the Treasurer for the amount for which requisition is made.

Section 30. In the case of the failure of any contractor to furnish the books as provided in this contract, his bond shall stand forfeited and the Text Book Purchasing Board, upon the recommendation of the Text Book Committee, may make such other contract for the unexpired term with some other person or company to provide such books as may be necessary to take the place of those included in the contract breached. No text book, however, shall be contracted for which has not been rated as suitable or desirable by the Text Book Committee. The State Board of Education shall have the power by three-fourths vote to drop any text book at the end of any school year while the contract is in force, and the Text Book Purchasing Board, upon the recommendation of the Text Book Committee, may make another adoption in lieu thereof.

Section 31. In the event any municipality or County furnishes free text books, the State Board of Administration shall arrange to have supplied such text books in a manner that will

be the least expense to said municipality or county. Provided that in cities of a population of 40,000 or more inhabitants according to the last or any succeeding federal census that furnish free text books, the board of education, upon the recommendation of the city superintendent of schools and the approval of the State Board of Education, may use books other than those prescribed by the State Text Book Purchasing Board; and provided further that in cities of 2,500 or more inhabitants according to the last or any succeeding federal census, the board of education, upon the recommendation of the city superintendent of schools, and the approval of the State Board of Education, may substitute in their list of high school books texts other than those prescribed by the State Textbook Purchasing Board.

Section 32. The State Board of Administration may utilize convict labor so far as practicable in handling the distribution of school books.

Section 33. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 34. Should any section, paragraph or part of this Act be declared unconstitutional it shall not affect the remaining part of this Act, it being the purpose of the Legislature to adopt each separate and distinct paragraph and section and part of this Act.

Section 35. This Act shall become effective immediately upon approval by the Governor.

Approved August 25, 1927.

No. 314.)

(H. 604. Goodwyn

AN ACT

To fix the compensation or salaries and allowances to be paid to sheriffs in all counties in this State, which now have or which may hereafter have a population of 75,000 people and less than 95,000 people according to the last Federal census or any such census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis and to regulate the payment of same, and to regulate the office of said sheriff, and to impose additional duties upon said sheriffs, and to provide for deputies and other assistance to said sheriffs and the selection and appointment thereof and the manner of fixing their compensation and provide for paying the same, and to provide for the payment of premium of such sheriffs and deputies' bonds, and to authorize, empower and require the Courts of County Commissioners, Boards of Revenue or other Courts of like jurisdiction to provide and furnish the said sheriffs with necessary quarters, books, stationery and other necessities and conveniences to the sheriffs of such counties and to provide for the payment of same.

Be it Enacted by the Legislature of Alabama:

Section 1. That during the period ending on the first Monday after the second Tuesday in January 1931, the sheriffs in all counties in this State, which now have, or which may hereafter have a population of 75,000 people and less than 95,000 people according to the last Federal census, or any such census which may hereafter be taken where such sheriffs are constitutionally paid upon a salary basis, shall receive and be paid an annual salary of four thousand dollars net, in lieu of all other compensations, fees and emoluments and said sheriffs shall be allowed the sum of Nineteen Thousand five hundred dollars (\$19,500.00) per annum for help and assistance as follows: one deputy at twenty-four hundred dollars per annum, seven deputies at eighteen hundred dollars each per annum, nine hundred dollars per annum for an attorney; and one guard for the county jail in said counties at twenty one hundred dollars per annum, one guard for the county jail in said counties at fifteen hundred dollars per annum, and in addition to the above allowance the sheriffs of such counties shall be allowed from the passage and approval of this Act to the 31st day of December 1927, the sum of Two Thousand dollars, for other expenses and ex-officio services of said sheriffs and for his personal attendance upon each session of the Juvenile Court or Courts of like jurisdiction in such counties, which attendance is hereby made obligatory upon said sheriff, and the said two thousand dollars to be paid to the said sheriff in equal monthly installments out of the general fund of said counties, and after the 31st day of December 1927, said sheriffs of such counties shall be allowed the further sum of two thousand five hundred dollars per annum for other expenses and ex-officio services of said sheriff and for his personal attendance upon each session of the Juvenile Court or court of like jurisdiction in such counties, which attendance is hereby made obligatory upon said sheriff. The said Two Thousand five hundred dollars to be paid to the said sheriffs in equal monthly installments, out of the general fund of said counties. The selection and appointment of said deputies, guards and attorney shall be made by said sheriffs of said counties. That sheriffs of such counties shall not be allowed any additional sum for deputies, other than herein provided in this Act. Provided, however, that nothing in this Act shall be considered or construed as repealing sections 6716 and 6717 of the Code of Alabama, 1923, which said sections shall remain in full force and effect.

Section 2. That beginning on the first Monday after the second Tuesday in January 1931, the sheriffs in all counties in this State, which now have, or which may hereafter have a population of 75,000 people and less than 95,000 people according to the last Federal census, or any such census which may hereafter be

taken, where such sheriffs are constitutionally paid upon a salary basis, shall receive and be paid an annual salary of four thousand dollars net, in lieu of all other compensations, fees and emoluments and said sheriffs shall be allowed the sum of Fifteen thousand dollars (\$15,000.00) per annum for help and assistance as follows: one deputy at Twenty four hundred dollars per annum, four deputies at eighteen hundred dollars each per annum, six hundred dollars per annum for an attorney; and one guard for the county jail in said counties at twenty one hundred dollars per annum, one guard for the county jail in said counties at fifteen hundred dollars per annum, and one guard for the county jail in said counties at twelve hundred dollars per annum, and in addition to the above allowance the sheriffs of such counties shall be allowed the further sum of two thousand dollars per annum for other expenses and ex-officio services of said sheriff and for his personal attendance upon each session of the Juvenile Court or Court of like jurisdiction in such counties, which attendance is hereby made obligatory upon said sheriff. The said Two Thousand dollars to be paid to the said sheriffs in equal monthly installments out of the general fund of said counties. The selection and appointment of said deputies, guards and attorney shall be made by said sheriffs of said counties. That sheriffs of such counties shall not be allowed any additional sum for deputies, other than herein provided in this Act. Provided, however, that nothing in this Act shall be considered or construed as repealing sections 6716 and 6717 of the Code of Alabama, 1923, which said sections shall remain in full force and effect.

Section 3. That in the event the bond of the sheriffs or any deputies in such counties shall be executed by a guaranty, surety, or bonding company, as surety, the amount of the annual premium to be paid to such company in consideration of such suretyship shall be paid by such counties out of the general funds of such counties.

Section 4. That in all such counties, the Courts of County Commissioners, Boards of Revenue and Courts of like jurisdiction are hereby authorized, empowered and required to provide the sheriffs in such counties with necessary quarters, books, stationery and other necessities and conveniences and pay for the same out of the general fund of such counties.

Section 5. That all compensation and salaries of said sheriffs mentioned in section one of this Act and all allowances for deputies and other assistance shall be paid out of the general fund of the several counties affected in monthly installments.

Section 6. That all of said sheriffs shall pay into the County treasury of said counties, all costs, charges of courts, fees and commissions authorized by law, or which may hereafter be au-

thorized by law to be collected by said sheriffs as other money belonging to said counties are paid. The Courts of County Commissioners, Boards of Revenue and other Courts of like jurisdiction shall have the power and authority, and it shall be their duty to audit the accounts of said sheriffs for the purpose of requiring a strict compliance with the provisions of this Act.

Section 7. That all laws, or parts of laws, general and local, in conflict with the provisions of this Act, be and the same are hereby expressly repealed.

Section 8. If any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 9. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved August 22, 1927.

No. 315.)

AN ACT

(H. 533. Hawkins)

To amend Section 29 of an Act approved August 15, 1923, and entitled "An Act to amend an Act approved September 25th, 1915, entitled: 'An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with election of said commissioners, and to otherwise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act'; and to provide for the going into effect of various sections of said Act as amended."

Be it Enacted by the Legislature of Alabama:

That Section 29 of an Act approved August 15th, 1923, and entitled: "An Act to amend an Act approved September 25th, 1915, entitled: 'An Act to provide for the government by a commission of all cities in Alabama which now have or which may hereafter have a population of one hundred thousand people or more, according to the last Federal census or any such census which may hereafter be taken, when such cities by an election adopt the provisions of this Act; to provide for the selection and election of commissioners and their terms of office; to fix their powers, duties and compensation; to punish improper conduct in connection with election of said commissioners, and to other-

wise provide for the creation, conduct and maintenance of said commission form of government, and to repeal all laws and parts of laws in conflict with the provisions of this Act; and to provide for the going into effect of various sections of said Act as amended," be and the same is hereby amended so as to read as follows: Section 29. All the petitions provided by this Act may be by a number of separate instruments as well as by one instrument. The signer of any petition provided by this Act shall not only sign his name in full and his address as hereinbefore provided, but he shall also set opposite his name and address the precinct and district in which his name appears as a qualified voter; and no petition provided for in this Act shall be sufficient unless it contains, opposite the name and address of the voter, the precinct and district in which his name appears as a qualified voter. No person but a qualified voter shall sign any petition provided for by this Act. And no person shall sign the name of another to any such petition whether with or without authority; and no person shall sign more than one separate instrument as a petition for any single purpose herein provided. Any violation of the foregoing provisions of this section shall constitute a misdemeanor punishable by a fine not to exceed three hundred dollars. No qualified voter who has signed any petition provided for herein can withdraw his signature. All petitions provided for herein must bear the certificate of the judge of probate of the county in which such city is situated, that it has the number of signatures required by law of qualified voters, and it shall be the duty of said judge to hear and determine all questions as to the genuineness of signatures and the qualifications of voters signing such petitions before giving such certificate; and such certificate of the probate judge shall be final and conclusive. Should said probate judge decide that any such petition was not signed by the required number of qualified voters, it shall be his duty to return said petition with the written statement of the details of its insufficiency to the persons presenting such petition, and such persons shall have ten days thereafter to have said petition signed as required by law, at the end of which time they shall again present such petition to the probate judge for re-examination. For his services in passing on any such petition the Probate Judge shall receive from the persons presenting such petition for his examination the cost of the clerical work incident thereto, and twenty per cent of such amount. Security for the payment of such cost must be given at the time of the presentation of such petition.

Approved August 20, 1927.

AN ACT

To propose and submit to the qualified electors of the State of Alabama an Amendment to the Constitution of Alabama authorizing the Legislature to form or to provide for the formation of public road districts in Baldwin County, Alabama, for the establishment, purchase, construction, betterment and maintenance of public roads, bridges, causeways and ferries; and for levying and collecting annually a tax not exceeding one percentum on the value of the taxable property in such districts, in addition to all taxes that are now or may hereafter be allowed under and by the constitution of the State of Alabama, or any other amendment thereto, such tax to be applied on account of the expense of such improvements in such districts; also to provide for advancing by said County of monies for such improvements; and for the return to the county from the proceeds of the said special tax of all money so advanced; also to provide for the borrowing by said County upon its credit of monies to be so advanced by bonds or warrants without a vote of the electors of said County; all indebtedness so created to be in addition to that which is now or that may hereafter be allowed to be incurred by said County under the Constitution of the State of Alabama or any other amendment thereto; provided that the rate of the tax, the time it is to continue (which shall not be for a period longer than twenty years from the date when such tax becomes effective) and the purpose to which it is to be devoted shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election; provided further that the levying of a less rate than that authorized by this amendment shall not preclude additional levies not exceeding in the aggregate one percentum on the value of the taxable property in the district; provided further that if any tax is levied for a period less than twenty years, or if a part of the period for which such tax was originally levied has elapsed, then in either such event the period during which such tax is effective may, with the approval of a majority of the qualified voters voting at an election called for the purpose of voting upon the extension of such period, be extended for a period of twenty years from the date of the election by which such period is extended; and provided further that the debt authorized hereby to be incurred by the County, together with six percent interest per annum thereon to the date of payment, shall not exceed the estimated amount of such levied taxes computed on the basis of the last assessment of the taxable property in such district; and providing that the powers herein conferred are in addition to and not in conflict with the powers conferred by the amendment to the Constitution proposed at the 1923 Session of the Legislature (Acts of Alabama 1923, page 593) and ratified at the General State election of November 1924; and providing that any laws enacted by the Alabama Legislature of 1927 shall be valid and have effect under this amendment to the same extent as if such laws had been enacted subsequent to the adoption of this amendment.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is

the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: "The Legislature is authorized to form or to provide for the formation of public road districts in Baldwin County, Alabama, for the establishment, purchase, construction, betterment and maintenance of public roads, bridges, causeways and ferries; and for levying and collecting annually a tax not exceeding one percentum on the value of the taxable property in such districts, in addition to all taxes that are now or may hereafter be allowed under and by the constitution of the State of Alabama, or any other amendment thereto, such tax to be applied on account of the expense of such improvements in such districts; also to provide for advancing by said County of monies for such improvements, and for the return to the county from the proceeds of the said special tax of all money so advanced; also to provide for the borrowing by said County upon its credit of monies to be so advanced by bonds or warrants without a vote of the electors of said county; all indebtedness so created to be in addition to that which is now or that may hereafter be allowed to be incurred by said County under the Constitution of the State of Alabama or any other amendment thereto; provided that the rate of the tax, the time it is to continue (which shall not be for a period longer than twenty years from the date when such tax becomes effective) and the purpose to which it is to be devoted shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election; provided further that the levying of a less rate than that authorized by this amendment shall not preclude additional levies not exceeding in the aggregate one percentum on the value of the taxable property in the district; provided further that if any tax is levied for a period less than twenty years, or if a part of the period for which such tax was originally levied has elapsed, then in either such event the period during which such tax is effective may, with the approval of a majority of the qualified voters voting at an election called for the purpose of voting upon the extension of such period, be extended for a period of twenty years from the date of the election by which such period is extended; and provided further that the debt authorized hereby to be incurred by the County, together with six percent interest per annum thereon to the date of payment, shall not exceed the estimated amount of such levied taxes computed on the basis of the last assessment of the taxable property in such districts. The powers herein conferred are in addition to and not in conflict with the powers conferred by the amendment to the Constitution proposed at the 1923 Session of the Legislature (Acts of Alabama 1923, page 593) and ratified at the General State election of November 1924.

Any laws enacted by the Alabama Legislature of 1927 shall be valid and have effect under this amendment to the same extent as if such laws had been enacted subsequent to the adoption of this amendment."

Section 2. That notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by proclamation of the Governor of Alabama, which shall be published in one newspaper once a week in each County in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Approved August 22, 1927.

No. 332.)

(H. 660. Hawkins)

AN ACT

To propose an amendment to the Constitution of Alabama authorizing the City of Birmingham to levy and collect for municipal purposes an additional tax, at any rate not in excess of one-half of one percentum, which a majority of the qualified electors of said City voting at an election called for that purpose may authorize.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the day of the general election next succeeding the present session of the Legislature, to-wit: November....., 1928. The proposed amendment is to add a new section or clause as follows:

..... Article XI. Section 216-A. In addition to the taxes which the City of Birmingham is authorized to levy and collect under the Constitution as heretofore amended, said city shall have the power and right to levy and collect in any year or years for any municipal purpose or purposes, any rate of tax, not in excess of one-half of one percentum, on property situated therein, based upon the valuation of such property as assessed for State taxation for the year next preceding the levy, which a majority of the qualified electors of such city voting at an election called and held as hereinafter prescribed, may authorize for such purpose or purposes. Said tax shall be used only for the purpose or purposes for which the same is authorized, levied and collected. Each election held under the provisions hereof shall

be ordered, held, canvassed, and may be contested in the same manner as is or may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words: "For authorization of additional taxation at rate not to exceed _____ per cent for the year (or years) _____"

for the purpose or purposes of _____" and "Against authorization of additional taxation at rate not to exceed _____ per cent for the year (or years) _____ for the purpose or purposes of _____"

The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor, and the year or years in which the proposed rate is to apply, and the purpose or purposes for which such tax is to be used, shall be likewise printed in the respective spaces indicated therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or affect the rights of any holders of bonds of said municipal corporation heretofore issued. Elections in said municipality to authorize the levy of such special tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the electors of said municipality for authorization to levy a special tax for a specific purpose and such proposition is defeated, no second election for the same purpose shall be held in such municipality within one year thereafter. This section shall be self-operative without any additional legislation."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor, which shall be published in one newspaper in each County of the State once a week for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the proposed amendment immediately succeeding the following words: "Shall the following be adopted as Section 216-A, Article XI, of the Constitution of Alabama?" Immediately succeeding the text of the proposed amendment shall be printed the following: "Yes _____"

"No _____" The choice of the elector shall be indicated by cross-mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same offi-

cials as now provided by the election laws of the State for the appointment of officers to hold election in this State, and the election shall be held in all things in accordance with this Act, the law governing general elections, and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be shown by proclamation of the Governor.

Approved August 22, 1927.

No. 334.)

(S. 499. Fite

AN ACT

For the Relief of County Treasurers of Counties, which Counties constitute a judicial circuit, having five or more circuit judges, who have erroneously paid monies to assistant solicitors under the act approved August 22, 1923.

WHEREAS, the county treasurers of counties having five or more circuit judges have heretofore, upon warrants drawn upon the treasurer by the circuit solicitor, paid certain monies to assistant solicitors; and

WHEREAS, such counties received the benefit of their services, and it was deemed proper to make such payments by virtue of an Act approved August 22, 1923 (Acts of 1923, page 200-201).

Sec. 1. *Be it Enacted by the Legislature of Alabama* that the county treasurer of all counties having five or more circuit judges, together with the sureties upon their official bonds, are hereby released, relieved and discharged from any and all liability or accountability for any and all sum of money paid by such county treasurer out of any funds at his disposal upon warrants drawn upon the treasurer by the Circuit Solicitor in favor of any assistant solicitor employed by such Circuit Solicitor, and all of such payments are hereby ratified, approved and confirmed.

Approved August 22, 1927.

No. 335.)

(SJR. 93. Fite

SENATE JOINT RESOLUTION

WHEREAS, the death of Judge E. H. Gary in New York City has removed one of the great industrial leaders of the world, and a friend to the industrial growth and development of the mineral district of Alabama; and,

WHEREAS, the industrial life of this State has suffered a great loss in his death; Now, therefore,

BE IT RESOLVED BY THE SENATE, THE HOUSE CONCURRING, that the Two Houses have heard with profound sorrow of the death of this great leader of men and that we do extend to the family of the deceased our sympathy in this hour of loss;

RESOLVED FURTHER that the Secretary of the Senate be directed to forward to the family of Judge Gary a copy of these resolutions.

Approved August 20, 1927.

No. 336)

(S. 54 Fite

AN ACT

To enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to provide for the supervision, inspection and regulation by said Commission in the public interest of the operation of motor carriers and of their service, rules, regulations and practices; fares, rates, charges and facilities, franchises and licenses; to provide for the payment of supervision and inspection fees by motor carriers; to provide compensation for performance of the duties imposed upon the Commission hereunder; and to provide measures for the enforcement of the Commission's orders, and penalties for failure to comply with the orders of the Commission or with the provisions of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That in addition to any authority, powers and jurisdiction under the laws of this State now or heretofore conferred upon or exercised by the Alabama Public Service Commission, there is hereby conferred upon the Alabama Public Service Commission all the authority, powers and jurisdiction hereinafter particularly set forth:

Section 2. (a) Unless otherwise specified, the term "Motor Vehicle" when used in this act means any automobile, automobile truck, motor bus, or any other self propelled vehicle not operated or driven upon fixed rails or track. (b) Unless otherwise specified, the term "Person," when used in this act, shall mean and include individuals, associations of individuals, firms, partner-

ships, companies, corporations, municipalities, governmental agencies, their lessees, trustees or receivers appointed by any court whatsoever, in the singular number as well as in the plural. (c) Unless otherwise specified, the term "Motor Carrier," when used in this act shall mean and include every person that now or may hereafter own, lease, control or operate any motor vehicle, with or without trailer or trailers attached, upon any public highway of this State as a common carrier for the transportation of passengers or property for hire, between fixed termini, or over a regular route, even though there may be periodic or irregular departure from said termini or route. (d) Unless otherwise specified, the term "Public Highway" when used in this act, shall mean and include every public street, road, highway or thoroughfare of any kind in this State used by the public, whether actually dedicated to the public and accepted by proper authority, or otherwise. (e) Unless otherwise specified, the term "Commission", shall mean the Alabama Public Service Commission. (f) Unless otherwise specified, the term "Rate" when used in this act, shall mean and include, in the plural number as well as in the singular, every individual or joint rate, classification, fare, toll, charge or other compensation for services rendered, as to be rendered, by any motor carrier, and every rule, regulation, practice, act, requirement, or privilege in any way relating to such rate, fare, toll, charge or other compensation, and any schedule or tariff, or part of a schedule or tariff thereof. (g) Unless otherwise specified, the term "Service Regulation," shall mean and include every rule, regulation, practice, act or requirement in any way relating to the service or facilities of a motor carrier, and in general to the quality of service supplied. (h) "Fixed Termini" or "Regular Route", as used herein or in any certificate issued hereunder, shall mean the termini between which or the route over which such motor carrier shall usually or ordinarily operate, though departures from such termini or route may be periodical or irregular.

Section 3. The Alabama Public Service Commission is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate every motor carrier doing business in this state; to fix just, fair and reasonable rates, fares, charges, classifications, rules and regulations of each such motor carrier and to alter any such rates, rules and regulations; to regulate and supervise the accounts, service and safety of operations of each such motor carrier; to require the filing of periodical and other reports by such motor carriers; and to supervise and regulate such motor carriers in all other matters affecting the relationship between such motor carriers and the traveling and shipping public. The Commission shall have power and authority by general order, or otherwise, to prescribe rules and

regulations in conformity with this act applicable to any and all such carriers; and shall have the power and authority to make orders and to prescribe rules and regulations affecting such motor carriers as may be necessary to carry out the purposes of this Act.

Section 4. After three months from the going into effect of this Act, no motor carrier shall operate for the transportation of persons or property for hire between fixed termini or over a regular route upon any public highway in this State without first obtaining from the Commission under the provisions of this Act, a certificate to the effect that public convenience and necessity require such operation. A certificate may be granted when it appears to the satisfaction of the Commission that such person was actually operating on January 1, 1927, over the route for which such certificate is sought, in good faith and in a manner deemed by the Commission beneficial to the public and adequate as to service, rates and the protection of the public; provided the applicant must comply with the provisions of this Act. Any such rights or certificate held, owned or obtained by a motor carrier may be sold, assigned, leased, transferred or inherited as other property, and the privileges thereunder exercised, only upon authorization by the Commission. The Commission shall have power, after hearing, to issue said certificate as prayed for; or for good cause shown, to refuse to issue same, or to issue it for the partial exercise only of said privilege sought. Motor carriers must operate and furnish service in conformity with the current existing terms and provisions of their respective certificate of convenience and necessity. Such certificate shall be void unless the applicant to whom it is granted begins operations thereunder within three months from the date the certificate is issued. The Commission may adopt rules prescribing the manner and form in which motor carriers shall apply for such certificates of convenience and necessity. In addition to such other rules as may be adopted by the Commission, said application must be in writing and sworn to, and must show the following:

- (a) The name and address of the applicant and full information concerning the financial condition and property of the applicant.
- (b) The entire route over which the applicant desires to operate and the kind of transportation, whether passenger or freight, or both, in which the applicant proposes to engage, together with a brief description of each vehicle which the applicant intends to use, including the seating capacity, if for passenger traffic, or the tonnage capacity, if for freight traffic.
- (c) Proposed time schedule.
- (d) A statement showing the passenger fares or freight rates to be charged between the several points or localities to be served.

Section 5. At the time of granting a certificate of public convenience and necessity hereunder, the Commission shall de-

termine and fix the amount of bond to be given by the applicant for such certificate for the protection, in case of passenger vehicles, of the passengers and baggage carried, and of the public, against injury proximately caused by negligence of such motor carrier, its servants or agents; and in the case of vehicles transporting freight, to secure the owner or person entitled to recover therefor, against loss or damage to such freight, and for protection of the public, against injuries proximately caused by negligence of such motor carrier, its servants or agents. It is not the purpose of this act, and it must not be given the effect of adding to or taking from the liability of any such motor carrier as a common carrier under other law of this State, and every such bond shall provide indemnity for every such injury or loss for which such motor carrier is or may be liable under the law of this State as such common carrier. Before any motor carrier shall obtain such certificate, it must file such bond with the Commission and obtain its approval thereof, which bond must be in form and amount as prescribed by the Commission, payable to the State of Alabama and executed in a surety company authorized to do business in the State of Alabama. Such bond shall contain such conditions, provisions and limitations as the Commission may prescribe by its order and shall be for the benefit of and subject to suit or action thereon by any person who shall sustain actionable injury or loss protected thereby, not withstanding any provision in said bond to the contrary; and every bond or insurance policy herein names, so given, shall be conclusively presumed to have been given according to and to contain all the provisions of this Act. No such certificate of public convenience and necessity shall be valid and operative until such bond or insurance policy herein named has been filed with and approved by the Commission, and no such bond or insurance policy herein named, so filed and approved, shall be cancelled by the surety or company issuing the same except upon and after ten days notice in writing to said commission, and upon such notice being given by the surety or company issuing said bond or insurance policy, the certificate of public convenience and necessity of the person giving such bond or insurance policy shall be revoked unless a new bond or insurance policy shall be filed with and approved by the Commission before the date upon which the cancellation thereof becomes effective. The applicant for such certificate of public convenience and necessity may, in the discretion of the Commission, be allowed to file in lieu of such bond a policy of indemnity insurance in some indemnity insurance company authorized to do business in the State of Alabama; which policy must substantially conform to all the provisions hereof relating to such bond and must likewise be approved by said Commission. Every such insurance policy

shall be for the benefit of and subject to action thereon by any person who shall sustain an actionable injury protected thereby, notwithstanding any provision in such insurance policy to the contrary.

Section 6. The Commission may, after notice given and hearing granted to any person to whom a certificate or convenience and necessity has been granted under this act, suspend or revoke the same for violation of this act or of any lawful order, rule or regulation of the Commission made hereunder.

Section 7. Every motor carrier doing business in this State and subject to the control and jurisdiction of the Commission shall pay as provided for herein, a fee for the inspection and supervision of such business. Such inspection and supervision fees shall be paid by such motor carriers in addition to any and all property, franchise, license, intangible and other taxes, fees and charges now or hereafter provided under the law. No similar inspection and supervision fees shall be levied or assessed by any county or municipality of this State. Every motor carrier operating under the provisions of this act shall, between the first and fifteenth days of January, April, July and October of each year, file with the Commission a sworn statement showing its gross operating revenues from its intrastate business for the preceding three months or portion thereof, and shall pay to the Commission a fee of one per centum of the amount of such gross operating revenue at the time said statement is filed. The percentage rate of gross operating revenue to be paid as provided herein shall, beginning with the year 1928, be subject to future adjustment by the Commission, which percentage, not exceeding one per centum, shall be fixed by the Commission by general order duly entered at the beginning of each year or at the beginning of any quarter. In prescribing such rate, the Commission, shall, according to its best judgment, fix the same, as far as it is practicable to do so, so that the fund derived therefrom shall be neither more nor less than sufficient to cover the cost of supervising and regulating motor carriers operating under the provisions of this act. Any motor carrier failing, in whole or in part, to pay any supervision or inspection fee, or part thereof, due by it within any of the time herein prescribed for the payment of the same, shall be in default and shall be liable to a penalty of not exceeding five dollars per day, to be recovered by suit of the state for every day it thereafter remains in default, and such penalty may be recovered, together with the supervision and inspection fee in default, in a single action. The state shall have a lien upon all the property in this state of any motor carrier for the payment of the supervision and inspection fees provided by this act to be paid, and the penalties in this section provided for, which lien shall be superior to all other

liens, except the lien for state, county and municipal taxes. Miscellaneous fees shall be paid hereunder to the commission as follows: Each application for a certificate of public convenience and necessity shall be accompanied by an application fee determined on the following basis, namely: (a) A fee of ten dollars for each motor vehicle used by such motor carrier for the transportation of persons for hire. For every such motor vehicle having a passenger seating capacity exceeding eight persons, an additional fee shall be so paid computed on the basis of fifty cents per passenger capacity for such additional seating capacity. (b) For every motor vehicle used by any such motor carrier for the transportation of property for hire, the motor carrier shall pay a fee of ten dollars and if the rated capacity of any such vehicle exceeds three tons, an additional fee of one dollar for each additional rated ton capacity shall be paid. (c) For each motor vehicle used by any such motor carrier for transportation of both persons and property the fee shall be computed on the basis of either passenger or tonnage capacity and the basis which shall yield the larger amount will apply. Application for transfer mortgage or pledge of a certificate of public convenience and necessity\$5.00

Application for the issuance of a duplicate certificate of public convenience and necessity.....\$3.00. For copy of any record or part thereof, of the Commission, pertaining to motor carriers, per one hundred words or portion thereof.....\$00.15.

In case of special or temporary demand for transportation of passengers or property for limited periods, the fees for inspection and supervision or those required to accompany application for certificate of public convenience and necessity, may be fixed by the Commission in such reasonable amount, differing from those herein fixed, as may be prescribed by general rule or special order; provided, however all fees prescribed under this act shall apply in case of such special or temporary demands until otherwise ordered by the Commission. All amounts collected hereunder shall be paid by the Commission into the State Treasury within thirty days after their receipt and shall be kept separate and apart from all other funds by the State Treasurer in a fund to be known as the "Motor Carrier Fund," and shall be used only for the purpose of payment of expenses incurred under the provisions of this act.

Section 8. The Commission may, upon consultation with and approval by the Governor, appoint or employ such additional employees as it may deem necessary or expedient to carry out the provisions of this act, or to perform the duties and exercise the powers conferred by law upon the Commission. Provided, however, the Commission shall, as far as practicable, carry out the provisions of this act by the use of person employed by it

in the regulation of public utilities and transportation companies. All such additional employees shall receive compensation to be fixed by the Commission, subject to the approval of the Governor. The Commissioners and such employees shall have reimbursed to them all actual and necessary traveling and other expenses and disbursements necessarily incurred or made by them in the discharge of their official duties. The Commission may also incur necessary expense for office furniture, stationery, printing, and additional expenditures necessary or incidental to the performance of their duties hereunder, with and by the approval of the Governor. All money paid out under the provisions of this section shall be paid out of the Motor Carrier Fund on warrants drawn by the state auditor on the State Treasurer and approved by the Governor. Provided that the Alabama Public Service Commission shall have no authority or power to expend any amount exceeding seven thousand five hundred (\$7,500.00) Dollars per annum, in the operation of the provisions of this Act, which amount shall include all salaries and all expense of whatever nature as applied thereto. Whenever the amount accruing to the Motor Carrier Fund, as provided by section 7 of this Act or by any other fee provided by law, shall equal seven thousand five hundred (\$7,500.00) Dollars per annum, the credits to the Motor Carrier Fund shall cease, and all amounts received as provided in section 7 of this Act, and any and all other amounts as may have been otherwise provided by law, shall then and thereafter during said year be credited to the maintenance fund of the State Highway Department, anything to the contrary, notwithstanding.

Section 9. The expenses incurred under the provisions of this act, when certified by the Commission or its president, and approved by the Governor, shall be paid on warrant drawn by the proper officer in pursuance hereof, only out of monies in the State Treasury to the credit of the said "Motor Carrier Fund," provided that said expenditures shall not exceed seven thousand five hundred (\$7,500.00) dollars per annum.

Section 10. Neither this act nor any provisions hereof shall apply or be construed to apply to any of the following: (a) Motor Vehicles used exclusively to convey passengers to and from schools, churches, or religious services of any kind, or to or from picnics, or upon special pre-arranged excursions: (b) To United States mail carriers operating star routes; when not subject to section 13 of this Act. (c) To motor vehicles used in transporting livestock or any farm or dairy products from the place of production to market; (d) To any motor vehicles used in collecting dairy products from the producer; except nothing in subdivision (c) and (d) shall be construed to prevent a return load of farm supplies to be hauled, provided no charge is made there-

for. (e) Taxicabs, hotel busses; (f) Busses or trucks of transfer companies, operating wholly within any incorporated city or town of the State, and not following fixed routes nor operating between fixed termini.

Section 11. If any motor vehicle shall be operated over any public highway of this state in such manner as to come into competition with any motor carrier operating under a certificate issued by the Commission, if such motor vehicle is operated between fixed termini or over a regular route, even though there may be periodic or irregular departure from such termini or route, the commission may investigate the operation of such motor vehicle and if, upon notice, hearing and investigation, the commission finds that such motor vehicle is being operated in competition with any such motor carrier, the commission may order the operator of any such motor vehicle to cease and desist from such operation, or the commission may require the operator of such motor vehicle to apply for and obtain a certificate of convenience and necessity hereunder before such motor vehicle shall be allowed to continue such operation. Any certificate of convenience and necessity issued to the operator of such motor vehicle shall be subject to all the terms and provisions of this Act and the operator thereof shall thereafter be deemed a motor carrier and subject to the provisions of this Act.

Section 12. Every motor carrier shall keep attached to each motor vehicle operated under the provisions of this act, such distinctive markings or tag as shall be prescribed by the tax commission, and shall maintain each such motor vehicle in good operating condition.

Section 13. When a person is engaged in business, a portion of which business is private business and a portion of which is the business of a motor carrier, the authority, powers and jurisdiction of the commission conferred upon it by law shall not be deemed to apply to and shall not be exercised with respect to that portion of said business which is a private business, but shall extend to that portion of said business to which this act is applicable.

Section 14. Every motor carrier shall file with the commission, within, sixty days from the going into effect of this act, schedules showing its routes and the termini thereof, its rates, and service regulations in force for any services performed by it within the State.

Section 15. Whenever a motor carrier desires to put in operation a new rate or service regulation or to change any existing rate or service regulation, it shall file with the commission a new schedule embodying the same, now less than thirty days prior to the time it desires to make the same effective; provided that the Commission may, upon application of the motor carrier, pre-

scribe a less time within which the same may be made effective. In the absence of suspension or disapproval by the Commission, as herein provided, the new rate or service regulation embodied in any such new schedule shall become effective at the time specified in such schedule, subject however, to the power of the Commission at any time thereafter, to take any action respecting the same authorized by this act.

Section 16. To enable it to make such investigation as, in its opinion, the public interest requires, the commission in its discretion, for a period not exceeding sixty days, may suspend the operation of any new schedule of rates or service regulations filed with the commission. Unless as a result of its investigation, the commission otherwise orders before the termination of such period of sixty days, such rate or service regulation shall thereupon become effective. The commission may make any order in the premises which it is authorized by any of the provisions of this act to make in any investigation or complaint or on its own motion without complaint.

Section 17. Upon a complaint made against any motor carrier, by any person that any rate, service, regulation, classification, practice or service in effect or proposed to be made effective is in any respect unfair, unreasonable, unjust or inadequate, or unjustly discriminatory, or unduly preferential, or constitutes unfair competition, or that the service is inadequate or cannot be obtained, the commission shall proceed and without such complaint, the commission, whenever it deems that the public interest so requires, may proceed after notice as hereinafter provided, to make such investigation as it may deem necessary or appropriate; but no order affecting such rates, service regulation, classification, practice or service complained of shall be entered by the commission without notice and a hearing. Any motor carrier may make complaint as to any matter within the provisions of this act with like effect as though made by any other person.

Section 18. Whenever the commission shall determine to conduct an investigation, either upon or without complaint, as in this act provided for, it shall fix a time and place for public hearing of the matters under investigation. Before proceeding to make such investigation, the commission shall give the motor carrier and the complainant at least ten days notice of the time and place when and where such matters will be considered and determined, and all parties shall be entitled to be heard, through themselves or their counsel and shall have process to enforce the attendance of witnesses. At the hearing held pursuant to such notice, the commission may take such testimony as may be offered or as it may desire, and may make such other and further investigation as in its opinion is desirable.

Section 19. If, upon such investigation and hearing, the commission shall find that any rate, service regulation, classification, practice or service is unfair, unreasonable, unjust or inadequate, or unjustly discriminatory, or unduly preferential, or unfairly competitive, or that the service is inadequate, or cannot be obtained, it may fix and order substituted therefor such rates, service, regulation, classification, practice or service as it shall determine to be just, reasonable, fair and adequate, and if the findings of the commission be that the rate, service, regulation, classification, practice or service investigated by it be just, reasonable, fair and adequate it shall enter an order approving same. Any such orders shall be final orders within the meaning of this act.

Section 20. Whenever after investigation in accordance with the provisions of this act, the commission shall be of the opinion that any provision or requirement of this act, or any order of the commission is being, has been or is about to be violated, it may make and enter of record an order in the premises, specifying the actual or proposed acts or omission to act which constitute such real or proposed violation and requiring that such violation be discontinued or rectified, or both, or that it be prevented. No order, however, shall be made by the commission affecting any rate or service except as otherwise specifically provided, unless or until a public hearing has been held in accordance with the provisions of this act.

Section 21. It shall be unlawful, except as herein otherwise provided, for any motor carrier to charge, demand, collect or receive a greater or less rate for any service performed by it within the State, or for any service in connection therewith than is specified in such schedule of rates and service regulations as may at the time be in force, or to demand, collect, or receive any rate not specified in such schedule of rates and service regulation. The rates and service regulations specified in such schedules shall be the lawful rates and service regulations until the same are changed as provided in this act; nor shall any person, except as herein otherwise provided, receive or accept any service from a motor carrier for a rate greater or less than that prescribed in such schedules.

Section 22. The Commission, by order, may require any motor carrier, or any officer or agent thereof, to produce within the state at such reasonable time and place as it may designate any books, records, accounts or documents kept in any office or place without or within the state, or certified copies thereof, whenever the production thereof is reasonably required and pertinent to any matter before the commission, in order that an examination thereof may be made by the commission, or by any person employed by the commission.

Section 23. Every motor carrier doing business within the State shall maintain an office located in the state, in which shall be kept such books of account and such record of the business done in this state as the commission shall require to be kept in the State.

Section 24. Every motor carrier shall keep its books, papers and records accurately and faithfully according to the system of accounts and regulations prescribed by the commission and shall comply with all reasonable directions of the commission relating thereto.

Section 25. The commission shall also examine and inspect or cause to be examined and inspected, at reasonable times and in a reasonable manner, under its authority, the books, records, accounts, motor vehicles and facilities of any motor carrier insofar as the same may be pertinent to any matter before the commission; provided, that any person shall produce, then so required, his authority from the commission, under the seal of the commission, to make such examination or inspection.

Section 26. Motor carriers operating within this state may grant special or reduced rates to all pupils attending schools on or near their routes, for transportation between their homes and such schools; provided, however, that if special or reduced rates are granted under the provisions of this act, said motor carriers shall file with the commission a statement setting forth the terms and conditions upon which they grant such special or reduced rates. All motor carriers may grant free transportation or transportation at reduced rates to such other persons as are now or may hereafter be authorized by law to receive same and may grant free transportation, or transportation at reduced rates to their officers, agents, attorneys, or employees and their families and may exchange the same with other motor carriers.

Section 27. No motor carrier shall abandon all or any portion of its service to the public, except for causes beyond its control, unless and until application is first made to the commission for the issuance of a certificate that the present or future public convenience or necessity permits of such abandonment, and the issuance of such a certificate. Upon the presentation of such application, the commission, with or without a public hearing, may or may not, in its discretion, issue such certificate.

Section 28. Whenever the commission shall make any order or determination, or issue any subpoena, notice or writ, notice thereof may be served on the person affected thereby, by delivering a copy of such order, subpoena, notice or writ, signed by or in the name of the president of the commission to any such person or an officer or agent of such person, if a corporation, as in the case of civil process, which service may be executed by any member of the commission, the secretary or any employee

thereof, or by any sheriff of the state, and a copy of such order, subpoena, notice or writ, with the service endorsed thereon, must be returned to the commission and entered of record as a part of the proceedings and such endorsement and return shall be prima facie evidence that such order, subpoena, notice or writ has been duly served.

Section 29. Each of the Commissioners, for the purposes mentioned in this act, and in all hearings before the commission, may administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books and papers.

Section 30. In case of failure or refusal on the part of any person to comply with any order of the commission or of any commissioner, or any subpoena, or on the refusal of any witness to testify or answer as to any matter regarding which he may be lawfully interrogated, any circuit court in this State, or any judge thereof, on application of a commissioner, may issue an attachment for such person and compel him to comply with such order or to attend before the commission and produce such documents and give his testimony upon such matters as may be lawfully required, and the court or judge shall have the power to punish for contempt as in cases of disobedience of a like order or subpoena issued by or from such court, or a refusal to testify therein.

Section 31. A substantial compliance by the commission with the requirements of this act shall be sufficient to give effect to all rules, orders, acts and regulations of the commission, and they shall not be declared inoperative, illegal or void for any omission of a technical nature, in respect thereto.

Section 32. No person shall be excused from attending and testifying or from producing books and papers before the commission, or in obedience to the subpoena of the commission, whether such subpoena be signed or issued by one or more of the members of the commission in any investigation held by or before the commission or in any cause or proceedings in any court by or against the commission provided for in this act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may be required to testify or produce evidence, documentary or otherwise, before said commission, or in obedience to its subpoena, or in any such cause or proceeding; provided, that no person testifying shall be exempted from prosecution and punishment for perjury committed in so testifying.

Section 33. Each witness who shall appear before the commission by its order shall receive for his attendance the fees and

mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid by the State out of the Motor Carrier Fund and subject to the provision of Section 7 of this Act, upon the presentation of proper vouchers, sworn to by such witnesses and approved by the president of the commission; but no witness subpoenaed at the instance of parties other than the commission shall be entitled to compensation from the State for attendance and travel.

Section 34. Unless a different time be prescribed by the commission, every order of the commission shall be effective twenty days after service thereof, and shall be served immediately after its entry of record, upon every party required to obey the same.

Section 35. Nothing in this act contained is intended or shall be construed: (a) To limit or restrict the police jurisdiction or power of municipalities over their streets and other highways and public places except as otherwise provided by law (b) In respect of matters other than rates and service regulations, to repeal any power of any municipality (1) to adopt and enforce reasonable police regulation and ordinances in the interest of the public safety, morals and convenience, or (2) to protect the public against fraud, impositions or oppression by motor carriers within their respective jurisdictions.

Section 36. Every order of the commission shall be in writing, and in cases of importance may be accompanied by an opinion, setting forth in brief, the facts on which the commission has based its order. The commission shall provide for the assembling and publication, from time to time, of its opinions and orders.

Section 37. Any person who wilfully makes any false return or report to the Commission, or to any member, agent or employee thereof, and any person who knowingly aids or abets such person, is guilty of a felony, and upon conviction shall be imprisoned as the Court may direct, for a term of not exceeding five years.

Section 38. Any person who wilfully makes any false entry in the accounts or records, prescribed by the Commission for any motor carrier, or wilfully destroys, mutilates or by any other means wilfully falsifies such accounts or records, or wilfully neglects or fails to make full, true and correct entries of all facts and transactions appertaining thereto, is guilty of a felony, and upon conviction shall be imprisoned, as the Court may direct, for a term not exceeding five years.

Section 39. Any regular or special employee of the commission who divulges any fact or information coming to his knowledge respecting any inspection, examination or investigation of any account, record, memorandum, book or paper, or of

the property and facilities of a motor carrier, except in so far as he may be authorized by the commission or a court of competent jurisdiction, or a judge thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one thousand dollars.

Section 40. Any person who knowingly makes any false statement of a material fact under oath, whether oral or in writing, as required by this Act, is guilty of perjury, and upon conviction shall be punished as provided for in the perjury statutes of the State.

Section 41. Any penalty or forfeiture imposed, declared or implied under the provisions of this Act may be enforced by a civil action at the suit of the State, and the commission may institute and prosecute, or cause to be instituted and prosecuted, such action for the enforcement of such penalties or forfeitures to the State.

Section 42. From any final action or order of the commission in the exercise of the jurisdiction, powers and authority conferred upon the commission by this Act, an appeal shall lie to the circuit Court of the County in which the respondent resides sitting in equity, and thence to the Supreme Court of Alabama. Such appeals must be taken within thirty days after the date of such final action or order, and such appeals and the supersedeas and stay of the action or order appealed from in other respects shall be governed by the provisions of law now in force or hereafter enacted respecting appeals in other cases from the orders and actions of the commission.

Section 43. No preliminary injunction or interlocutory order, or decree, or process suspending or restraining or affecting the enforcement of any action, order or determination of the commission shall be granted by any judge or court, except upon hearing, after at least five days' notice to the Commission.

Section 44. It shall be the duty of courts of competent jurisdiction to entertain and determine all actions commenced under the provisions of this Act, and to enforce the provisions of the act, or of any order of the Commission, by mandamus, or by injunction, or by any other appropriate remedy.

Section 45. Any person who violates or fails to comply with provision of this act, or who fails to obey, observe or comply with any lawful order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof of the commission, or who aids or abets any person in failure to observe or comply with any such order, direction, decision, rule, demand or requirement, or any part or provision thereof, shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than Fifty Dollars (\$50.00) and not exceeding one thousand dollars (\$1000), or by imprisonment in the county jail not exceeding

one year, or by both such fine and imprisonment in the discretion of the Court.

Section 46. Neither this Act nor any provision thereof shall be applied or be construed to apply to interstate or foreign commerce except in so far as the same may be permitted or authorized under the Constitution of the United States and the acts of the Congress of the United States, now in force or hereafter enacted.

Section 47. For the extra, new and additional duties imposed upon the Alabama Public Service Commission and the members thereof by this Act, and for the performance of the duties which are and will be hereafter required of said Commission and the members thereof, hereunder, each member of the Commission shall receive an additional one thousand dollars annually, to be paid monthly as the salaries of other officers are paid, only out of monies in the State Treasury to the credit of the said Motor Carrier Fund, as herein provided for in section 7 of this Act.

Section 48. The members of the commission and such of their employees as may be designated by them to assist the commission in the performance of their duties under this Act shall be entitled to free transportation within the State, upon any motor vehicle of any motor carrier coming under the jurisdiction of the Commission under this Act.

Section 49. Every motor carrier operating under the provisions of this Act must comply with the statutes of the State and with the rules and regulations prescribed by the State Highway Commission of Alabama with respect to the size and weight of the motor vehicles operated in this State, the type of tires used thereon and with respect to the maximum load that may be transported by such vehicles over the highways of the State. If the matters included in this section are not regulated by statute nor by any rules or regulations of the State Highway Commission, then said Public Service Commission may prescribe such reasonable rules and regulations as in its judgment may be necessary.

Section 50. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the Act; but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which judgment has been rendered.

Section 51. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 52. This Act shall be known as and may be cited as the "Alabama Motor Carrier Act of 1927."

Section 53. This Act shall be effective on and after its approval by the Governor.

Approved August 23, 1927.

No. 338)

(H. 72. Byars

AN ACT

To establish a State trunk road to be known as the "Shoals, National Forest and Birmingham Highway," Road No. 69.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That the following described road shall be declared a State trunk road and shall be known as the "Shoals, National Forest and Birmingham Highway," Road No. 69 and described as follows: Beginning at Muscle Shoals, thence through Florence, Sheffield, Tuscumbia, Leighton, Town Creek, Hatton, Landersville, Moulton, Wren, the National Forest, Houston and Clear Creek Falls, Jasper and thence over the Bankhead Highway to Birmingham.

Sec. 2. The road designated in Section 1 of this Act shall be located, established and maintained in conjunction and co-operation with the National Government, by the State Highway Department as early as practicable and without unnecessary delay. The improvement and maintenance of said road as one of the State Trunk Roads shall be in accordance with the standard established by and subject to the approval of the State Highway Department.

Sec. 3. This Act shall take effect immediately upon the passage and approval by the Governor.

Approved August 25, 1927.

No. 339.)

(H. 960. Goode

AN ACT

To adopt the code of laws for the State of Alabama prepared in accordance with the provision of the Acts approved February 18th, 1927 (H. 273, Goode) and which pertains to Agriculture and Industries and relating subjects which are administered by, concern or relate to the duties of the Commissioner of Agriculture and to provide for the indexing, publication, sale and distribution of said code which is to be known as the Agricultural Code of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the work prepared by Harwell G. Davis, as Code Commissioner, under and in accordance with the provisions of the Act approved February 18th, 1927 (H. 273, Goode),

which said Act provided for the codification, revision, digesting and promulgation of all public statutes of Alabama pertaining to Agriculture and Industries and relating subjects and which were administered by, concern or relate to the duties of the Commissioner of Agriculture and Industries or the State Board of Agriculture, as shown by the manuscript filed by the said Harwell G. Davis with the Governor on the 15th day of June, 1927, as the same has been revised, amended, corrected and reported by the joint Committee of the two Houses of the Legislature, which is shown upon the sheets of manuscript signed by the chairman and members of the Joint Committee, is adopted and enacted as a Code of laws and shall regulate completely so far as a statute can the subjects to which it relates and shall go into force and be operative on the 30th day after the date of the Governor's proclamation announcing its publication.

Section 2. No act passed on or after the first day of September, 1927, shall be repealed or affected in any manner by the adoption of this Code; but such acts as amend provisions of this Code or shall relate to the subjects included therein shall be printed in said Code.

Section 3. After the adoption of said Code the same shall be indexed by the said Harwell G. Davis and annotated as now required by the Act providing for the codification of said laws; but in the preparation of said Agricultural Code for publication and indexing the same that the said Harwell G. Davis shall have the authority, if necessary, to change the numbers of any sections, and prepare captions for each section provided that he shall not have the right to in any way change the meaning, wording or effect of any provisions as adopted.

Section 4. That the indices to said Code shall be filed with the Governor within sixty days after the Code has been adopted and thereupon the Governor shall cause to be printed such number of said Code as he may deem necessary to supply the various officers of the State and County to be used by the Department of Agriculture in the mutual exchange of laws with other States and for sale to the general public. The price of said Code shall be fixed by the Governor at not over ten per cent (10%) above the cost of printing and handling same.

Section 5. The adoption of this Code shall not repeal any criminal provision not in conflict with or repealed by the provisions of this Code.

Approved August 24, 1927.

AN ACT

To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, and 12, and add Section 12 1-2 thereto, of an Act entitled, "An Act imposing an excise tax on persons, corporations, copartnerships companies, agencies or associations engaged in the business of selling, or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violations of any of the provisions of this act, approved Feb. 10, 1923.

Be it Enacted by the Legislature of Alabama:

That the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 11 and 12 of an act, entitled "An Act imposing an excise tax on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling, or distributing gasoline or other liquid motor fuels in this State—providing for the collection and payment of such tax and the distribution of the funds derived therefrom and fixing the penalties for the violation of any of the provisions of this act, approved Feb. 10, 1923, be and the same are hereby amended to read as follows:

Section 1. That the Title of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: to impose an excise tax on persons, corporations, copartnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatsoever gasoline or other liquid motor fuels or devices or substitutes therefor in this State; and providing for the collection and payment of such tax and distribution of the funds derived therefrom, and providing for its enforcement and fixing a penalty for the violation of any of the provisions hereof.

Section 2. That Section 1 of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: as used in this act, the term "gasoline" shall include gasoline, naphtha and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, provided that nothing contained in this act shall apply to those products commercially known as "Kerosene oil", "fuel oil", "crude oil" used for lighting or heating purposes. The word "Person" means and includes every person, corporation, co-partnership, company, agency or associations, singular or plural. The term "Distributor" shall include any person who shall engage in the selling of gasoline as herein defined in this State by wholesale in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as "distributor" who is also engaged in the sale of gasoline as herein defined, at any

place in this State, in broken quantities. The term "storer" as herein used shall include any person who ships gasoline into this State, in tank quantities and stores the same and withdraws or uses the same for any purpose.

Section 3. (a) That Section 2 of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: Every distributor, retail dealer or storer of gasoline as herein defined shall pay an excise tax of two cents per gallon upon the selling, distributing or withdrawing from storage for any use gasoline as herein defined in this State, provided however that this excise tax shall not be levied upon the sale of gasoline in interstate commerce, and provided further that where the excise tax of two cents per gallon upon the sale of such gasoline shall have been paid by a distributor or by a retail dealer or storer such payment shall be sufficient, the intention being that the tax shall not be paid but once. (b) The excise tax imposed by subdivision (a) of this section shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawals be for sales or other use—provided, that "sellers" of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required and storers and distributors shall compute and pay this tax on the basis of their withdrawals or distributions.

Section 4. (a) That Section 3 of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: On or before the 20th day of each month after this act shall have taken effect, every person upon whom this excise tax is levied shall render to the State Tax Commission on forms prescribed by such commission a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for the payment of the excise tax herein prescribed, and shall furnish to said commission such additional information as such Commission may require upon blanks to be formulated and furnished by said Commission, and at the time of making such report shall pay to the State Tax Commission an amount of money equal to the excise tax herein laid. (b) The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths and any false or fraudulent statement sworn to shall constitute perjury and upon conviction thereof the person so convicted shall be punished as provided by law for the crime of perjury.

Section 5. That Section 4 of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: All distributors, storers, or retail dealers shall keep, for not less than

two years, within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sales or withdrawals of gasoline made in this State covered by this Act.

Section 6. That Section 5 of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: within 30 days after the passage of this act, every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline shall make a report on blanks furnished by the State Tax Commission to the State Tax Commission showing the place and post office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline, which information shall be entered by the State Tax Commission on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one post office address to another, such distributor, storer, or retail dealer shall within 30 days thereafter notify the State Tax Commission of such removal giving the former place and post office address and also the place and post office address to which the business has been removed. After this act becomes effective no person shall become a distributor, storer, or seller of gasoline in this State until he shall have made such reports to the State Tax Commission.

Section 7. That section 6 of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: If any distributor, storer or retail dealer in gasoline in this State covered by the provisions in this act shall fail to make the reports or any of them, to the State Tax Commission as herein required or shall fail to keep the records required by Section 5 hereof, such distributor, storer or retail dealer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each of such offense.

Section 8. That Section 7 of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: It shall be the duty of the State Tax Commission to enforce the provisions of this act and the State Tax Commission shall have the right itself or by any of its members or its agents to examine the books, reports and accounts of every such distributor, storer, or retail dealer of gasoline covered in this act.

Section 9. That Section 8 of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: The proceeds of the excise tax prescribed in this act shall, when collected, be paid into the State Treasury, and placed to the credit of the sixty-seven counties of the State, and shall be divided and distributed equally among the sixty-seven counties of this State and paid to each of the several counties as provided by law. Provided however, that all the funds derived by the several counties from said tax shall be expended exclusively for maintenance

and repair of roads, highways and bridges in said county. The use or expenditure of any of said funds in any other manner or for any other purpose than as provided herein, by the governing body of any county or any individual member of said body shall constitute a misdemeanor punishable by a fine of not less than one hundred dollars nor more than one thousand dollars, and by imprisonment in the county jail at hard labor for the county for not less than one nor more than twelve months. The State Highway Commission, shall have the authority to inspect the work upon which such funds are expended, and if in the judgment of the State Highway Commission, it appears that such funds are not being expended profitably or correctly, the State Highway Commission, shall report the matter to the Chief Examiner of Public Accounts. The Chief Examiner of Public Accounts is hereby especially charged with the duty of examining into and determining each year whether or not said funds have been used or expended as herein provided. Whenever said Examiner of Public Accounts discovers a violation of any provisions of this section he shall forthwith report same to the Attorney General whose duty it shall be to direct the prosecution of said offense.

Section 10. That Section 11 of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: If distributor, storer, or retail dealer, in gasoline covered by this act shall fail to make the monthly return and to pay the tax prescribed, as provided by this act, the tax shall be deemed delinquent within the meaning of this act, and there shall be added to the amount of the tax a penalty of twenty-five per cent. If in the opinion of the State Tax Commission a good and sufficient cause and reason is shown for such delinquency the State Tax Commission may remit the penalty, otherwise the penalty shall be paid. The State Tax Commission shall be authorized and empowered to make return for the delinquent tax-payer upon such information as it may reasonably obtain, and add thereto the penalty as provided in this section of this act. The State Tax Commission shall, as soon as is practicable, and before the 30th day of the month, certify to the State Auditor and the State Treasurer names of all persons liable to pay the tax herein provided together with the post office address and the amount of the tax, and if any such tax and penalties shall not have been paid, the chairman of the State Tax Commission shall issue executions for the collection of such tax directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent tax by the county tax collectors and make returns of such executions to the State Tax Commission. The tax and all penalties herein provided for shall be held as a debt payable to the State of Alabama by the person against whom the same shall be

charged and all such penalties and assessments shall be a lien upon the property in this State of the party charged therewith.

Section 11. That Section 12 of the above mentioned act, approved Feb. 10, 1923, shall be made to read as follows: Any distributor, storer or retail dealer who shall violate any of the provisions of this act may be restrained and the proper prosecution instituted in the name of the State of Alabama by its Attorney General or under his direction by any Circuit Solicitor of the State, from distributing, selling or withdrawing from storage any gasoline, the sale or withdrawal of which is taxable under this Act, until such person shall have complied with the provisions of this Act. This act shall take effect on the 1st day of the month next succeeding its passage, and upon approval of the Governor.

Section 12 1-2. Each freight agent of the Railroad Companies operating in the State of Alabama shall report to the State Tax Commission on the first day of October, January, April and July of each year all shipments of gasoline and lubricating oils or substitutes therefor received at said station on said railroads during the preceding three months, giving the name and address of the consignor and consignee, shipping and receiving said gasoline or lubricating oils or substitutes therefor and the number of gallons or pounds contained in each and every shipment.

Approved August 27, 1927.

No. 341.)

AN ACT

(H. 725. Goode.

To make appropriation to the Alabama Polytechnic Institute in lieu of certain other appropriations and revenues, the benefit of which said Alabama Polytechnic Institute has heretofore received or secured.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Alabama Polytechnic Institute the sum of Eighty-Seven Thousand (\$87,000.00) Dollars annually, which shall be payable quarterly on October 1st, January 1st, April 1st and July 1st, upon the requisition of the President of said Institute on the State Auditor.

Section 2. Thirty Thousand (\$30,000.00) Dollars of the appropriation made in Section One of this Act shall be used in order to aid in diffusing among the people of Alabama in the several counties useful and practical information on subjects relating to agriculture; to provide for the continuance and improvement of farm demonstration work; for organizing livestock marketing and other agricultural clubs and otherwise assisting

farmers in preparing for market and marketing their crops and livestock; for organizing and supervising boys' corn clubs, pig clubs and other agricultural clubs; to encourage diversification of crops and better methods of farming and stock raising; and to secure for expenditure in Alabama the full amounts appropriated conditionally by the Congress of the United States for agricultural extension work. Said Thirty Thousand (\$30,000.00) Dollars shall be used in co-operation with the Extension Service created under an Act of Congress approved May 8th, 1914, and generally known as the Smith-Lever Act for Extension work in agriculture and home economics, for aiding in employing Farm Demonstration Agents in the State of Alabama.

Section 3. The appropriation made in Section One of this Act is in lieu of the following appropriations and revenues, the benefit of which the Alabama Polytechnic Institute has heretofore received, to-wit: (a) The appropriation of Forty Thousand (\$40,000.00) Dollars made in lieu of the proceeds formerly received from funds arising from the sale of fertilizer tags, which appropriation is made by Section 1911, of Code of Alabama, of 1907, and subsequent and prior Acts. (b) The appropriation of Thirty Thousand (\$30,000.00) Dollars made by Articles 41 and 43, of the Act approved September 23rd, 1923, which Act is known as the Agricultural Code. This appropriation was made to the Department of Agriculture and Industries, but has been used by the extension service of said Institute. This appropriation was first made in the sum of Twenty-Five Thousand (\$25,000.00) Dollars by Act approved February 11th, 1911, (General Acts of Alabama 1911, pages 14 to 17). (c) The revenue received by virtue of Section Six of Article Eighteen of the Act of 1923 known as the Agricultural Code and of prior Acts. By said Acts said Institute received one-fourth of the proceeds accruing from the illuminating oil inspection fee.

Section 4. All provisions of laws making appropriations for chemical analysis work for the Department of Agriculture and Industries, and all provisions of laws making or increasing any of the appropriations or revenues mentioned in Section Three of this Act existing prior to the passage of this Act are hereby expressly repealed, it being the purpose of this Act to make appropriation in lieu of the benefit which the Alabama Polytechnic Institute received from such appropriations and revenues.

Approved August 24, 1927.

No. 342.)

(H. 419. Poole

AN ACT

Relating to and to further provide for the revenue of the State of Alabama, by providing for the registration and identification of motor vehicles, and trailers used on the public highways of Alabama and for the registration and license fee therefor, and to further provide for the revenue of the State of Alabama.

Be it Enacted by the Legislature of Alabama as follows:

Section 1. Trailer: "Every vehicle without motive power designed for carrying property, only, wholly, or partially on its own structure and being drawn by a motor vehicle, shall pay a license tax of fifty per cent (50%), of the cost of the license tax of the motor vehicle by which it is drawn. Trailer or trailers for hauling passengers are prohibited by law.

Section 2. Jitney Bus: A motor vehicle not operated on tracks engaged in the business of carrying passengers for hire over, along, and upon a definite and substantially fixed route or routes, the length of which is under fifteen miles, or between definite and substantially fixed terminal points is under fifteen miles; not including hotel or sightseeing buses. Provided, that this section shall not be construed to apply to motor vehicles or motor buses, engaged in hauling passengers for hire with or without a franchise, in Cities or Towns where Street Railways are not operating, or may have ceased to operate Street cars by the order of the Alabama Public Service Commission, or a like body. All such Motor Vehicles or Motor Buses, within the meaning of this clause, shall conform to the provision of section three of this Act.

Section 3. Motor Vehicles: (a) For each automobile, motor car, or motor bus, used for transporting passengers, paying fare or charges except a jitney bus, shall pay the following named amounts for license tax: Seating capacity of 5 persons or less \$37.50. Seating capacity of more than 5 and not exceeding 10, \$50.00. Seating capacity of more than 15 and not exceeding 20, \$100.00. Seating capacity of more than 20 and not exceeding 40, \$150.00. (b) Each automobile, motor car, or motor bus, except a jitney bus, used for the transportation of passengers, paying fare or charges, shall pay in addition to the above tag license, 3% of the gross income on all intrastate business transacted in this State, and upon the proportionate parts thereof, when all the regular route as indicated is not within the State. The payment of the 3% of the gross income on all business shall be made regularly and on proper form as provided by the Tax Commission, on January 1st, April 1st, July 1st, and October 1st, for the quarter or part thereof just preceding. The Tax Commission is hereby authorized to proceed against any delinquents as prescribed

by law. All amounts collected under subdivision (b) of this section shall be credited to the maintenance fund of the highway department after the cost of administration of the Tax Commission has been deducted therefrom. (c) If any person, firm or corporation, hauling passengers, for hire shall fail to make the proper return as required after the close of the quarterly period as provided by this act, and fail to pay the tax as prescribed in subdivision (c) of this section, the tax shall be deemed delinquent within the meaning of this act and there shall be added a penalty of twenty-five percent of the amount of the tax. If in the opinion of the Tax Commission a good and sufficient reason is shown for such delinquency the Tax Commission may remit the penalty, otherwise the penalty shall be paid. The Tax Commission shall be authorized and empowered to make return for the delinquent tax payer upon such information as it may reasonably obtain, and add thereto the penalty as provided in this section of this act. The Tax Commission shall, as soon as it is practicable and before the fifteenth day of the month succeeding the ending of each quarter as provided in this act, certify to the State Auditor, and the State Treasurer the names of all persons liable to pay the tax herein provided, together with the postoffice address and the amount of the tax and if any such taxes shall not have been paid, the Chairman of the State Tax Commission shall issue executions for the collection of such taxes direct to any Sheriff of the State, who shall proceed to collect the same in the manner now prescribed by law for the collection of delinquent taxes by County Tax Collectors and make return of such executions to the State Tax Commission. The taxes and all penalties here provided for shall be held as a debt payable to the State by the person against whom the same shall be charged, and all such taxes, penalties and assessments shall be a lien upon all property in this State of the party charged therewith.

Section 5. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 6. This Act shall go into effect on October 1st, 1927.
Approved August 25, 1927.

No. 343)

AN ACT

(H. 756. Jeter

To conserve all flowering trees, bushes, shrubs, and plants, domesticated, native or wild in all counties in the State of Alabama, which now have, or may hereafter have over One Hundred Thousand population according to the last Federal census, or according to any Federal or State census hereafter taken, and to make it a misdemeanor for any person other than the owner or person in possession of the land whereon the same are situated, to wilfully cut, break, or remove any flowers therefrom, or to wilfully remove, cut, break, or injury any such tree, bush,

shrub, or plant or to wilfully transport or aid, or abet the transportation of, or the cutting, breaking, injuring or removing of any such tree, bush, shrub, plant or flower therefrom without the consent of the owner or person in possession of the land upon which such tree, bush, shrub, or plant is situated.

Be it Enacted by the Legislature of Alabama as follows:

Section 1. That in order to protect all native, wild or domesticated trees, bushes, shrubs and plants from destruction, and to conserve the same in counties in the State of Alabama, which now have or which may hereafter have over One Hundred Thousand population, according to the last Federal census, or according to any Federal or State census hereafter taken, it is hereby made unlawful and a misdemeanor for any person other than the owner, or person in possession of the land upon which any such tree, bush, shrub, or plant is situated, without the consent of the owner or person in possession of such land, to wilfully cut, break, or remove any flower or flowers from any such tree, bush, shrub or plant.

Section 2. It is hereby made unlawful and a misdemeanor, in any such county, for any person, other than the owner or person in possession of the land upon which any such tree, bush, shrub, or plant is situated, without the consent of the owner, or person in possession of such land, to wilfully remove, destroy, cut, break, or injure any such tree, bush, shrub, or plant.

Section 3. It is hereby made unlawful and a misdemeanor in any such county for any person wilfully to transport or aid, or abet in the transportation of any flowers, by automobile, or any other means or way of transportation, cut, broken, or removed from any tree, bush, shrub or plant, in violation of the provisions of Section one of this act.

Section 4. It is hereby made unlawful and a misdemeanor in any such county for any person to wilfully aid, or abet a violation of any provision of this act.

Section 5. Any person who, upon trial, is adjudged guilty of the violation of the provisions of either Section One, or Section Two, or Section Three, or Section Four of this act, shall, upon conviction, be fined not less than Ten (\$10.00) Dollars, nor more than Fifty (\$50.00) Dollars.

Section 6. An arrest may be made of any person violating the provisions of this act, by any officer authorized by law to make arrests, under a warrant sworn out under the provisions of law, or if the offense is committed in the presence of the officer, the officer is authorized to make an arrest without warrant.

Section 7. Constables in their respective precincts, sheriffs in their respective counties, and police in their respective municipalities are hereby charged with the special duty to be diligent in the enforcement of the provisions of this act. Constables

shall be entitled to a fee of Two (\$2.00) Dollars for executing any warrant or writ of arrest under the provisions of this act, to be taxed and collected as cost, as is provided by Section 3757 of the Code of Alabama of 1923.

Section 8. Possession of flowers by any one from any tree, bush shrub, or plant sought to be conserved under the provisions of this act, shall be prima facie evidence of guilt, which is rebutted or overcome if possession of such flowers was procured with the consent of the owner or person in possession of the land where procured.

Section 9. It shall be the duty of a judge organizing and empanelling a Grand Jury in any such county of this State, if the Judge is of the opinion that it is necessary, to the end of conserving the flowering trees, bushes, shrubs, and plants in the county, sought to be conserved by the provisions of this act, to give in special charge to the Grand Jury, the law under the provisions of this act.

Section 10. That if any section, clause, provision or portion of this act shall be held to be invalid, or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this act, which is not of itself unconstitutional.

Section 11. This act shall go into effect sixty days after its passage and approval by the Governor.

Approved August 25, 1927.

No. 344)

(H. 377 Rogers of Mobile

AN ACT

To define, regulate, and license real estate brokers and real estate salesman; to create a State Real Estate Commission; and to provide a penalty for a violation of the provisions hereof.

Be it Enacted by the Legislature of Alabama:

Section I. That on and after January 1, 1928, it shall be unlawful for any person, co-partnership, association or corporation to act as a real estate broker or real estate salesman, or to advertise or assume to act as such real estate broker or real estate salesman without a license issued by the Alabama Real Estate Commission. No co-partnership, association or corporation, shall be granted a license, unless every member or officer of such co-partnership, association or corporation, who actively participates in the brokerage business of such co-partnership, association or corporation, shall hold a license as a real estate broker or salesman, as hereinafter provided for, and unless every employee who acts as a salesman for such a co-partnership,

association or corporation shall hold a license as a real estate salesman.

Section II. A real estate broker within the meaning of this Act is any person, firm, partnership, co-partnership, association or corporation, who, for a compensation or valuable consideration, sells or offers for sale, buys or offers to buy, negotiates the purchase or sale or exchange of real estate, or who leases or offers to lease, rents or offers for rent, any real estate or the improvements thereon for others, as a whole or partial vocation. The term "real estate" as used in this Act shall include leaseholds and other interests less than leaseholds. A real estate salesman within the meaning of this Act is any person who, for a compensation or valuable consideration, is employed either directly or indirectly by a real estate broker to sell or offer to sell, or to buy or offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to lease, to rent or offer for rent any real estate, or to negotiate leases thereof, or of the improvements thereon, as a whole or partial vocation. One act for a compensation or valuable consideration of buying or selling real estate of or for another, or offering for another to buy or sell, or exchange real estate, or leasing, or renting, or offering to rent real estate, except as herein specifically excepted, shall constitute the person, firm, partnership, co-partnership, association or corporation, performing, offering, or attempting to perform any of the acts enumerated herein, a real estate broker or a real estate salesman within the meaning of this Act. The provisions of this Act shall not apply to any person, co-partnership, association or corporation, who as owner or lessor shall perform any of the Acts aforesaid with reference to property owned or leased by them, or to the regular employees thereof, with respect to the property so owned or leased, where such acts are performed in the regular course of, or as an incident to, the management of such property and the investment therein, nor shall the provisions of this Act apply to persons acting as attorney-in-fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing, or exchange of real estate, nor shall this Act be construed to include in any way the services rendered by an attorney-at-law, in the performance of his duties as such attorney-at-law; nor shall it be held to include, while acting as such, a receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of court, nor to include a trustee acting under a trust agreement, deed of trust, or will, or the regular salaried employees thereof.

Section III. There is hereby created the Alabama Real Estate Commission. The Governor shall appoint three persons, each of whom immediately prior to the date of his appointment

has been a resident of the State for five years, and whose vocation for a period of at least five years shall have been that of a real estate broker or real estate salesman, one member shall be appointed for a term of one year, one member shall be appointed for a term of two years, and one member shall be appointed for a term of three years, and until their successors are appointed and qualify, thereafter, the term of the members of said Commission shall be for three years, and until their successors are appointed and qualify. There shall at no time be more than one Commissioner from any one County. Members to fill vacancies shall be appointed for the unexpired term. The Commission immediately upon the qualification of the member appointed in each year shall organize by selecting from its members a chairman, and may do all things necessary and convenient for carrying into effect the provisions of this Act and may from time to time promulgate necessary rules and regulations. Each member of the Commission shall receive as full compensation for each day actually spent on the work of said Commission the sum of Ten Dollars (\$10.00) per day and his actual and necessary expenses incurred in the performance of duties pertaining to his office. The Commission shall employ, and at its pleasure discharge, a secretary and such clerks and assistants as shall be deemed necessary to discharge the duties imposed by the provisions of this Act, and shall outline their duties and fix their compensation, subject to the general laws of the State. The Commission shall obtain such office space, furniture, stationery, fuel, light, and other proper conveniences as shall be reasonably necessary for carrying out the provisions of this Act. The principal office to be located in the City of Montgomery, Alabama. The Commission shall adopt a seal with such design as the Commission may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Commission, duly certified and authenticated by the seal of the said Commission shall be received in evidence in all courts equally and with like effect as the original. All records kept in the office of the Commission under authority of this Act shall be open to public inspection under such rules and regulations as shall be prescribed by the Commission. All fees and charges collected by the Commission under the provisions of this Act shall be paid into the State Treasury, and shall constitute a separate fund to be disbursed by the State Treasurer on order of the Board of Commissioners and with the approval of the Governor. All expenses incurred by the Commission under the provisions of this Act, including the compensation of members, secretaries, clerks and assistants shall be paid out of the separate fund in the State Treasury upon warrants of the State Auditor drawn upon the State Treasurer from time to time when

vouchers therefor are exhibited and approved by the Commission and approved by the Governor. The State Treasurer is directed to pay money out of the separate fund hereinabove provided upon the order of the secretary of the Board of Commissioners, countersigned by the Chairman of the Board of Commissioners and approved by the Governor, provided the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the State Treasury and all monies remaining in the separate fund hereinafter provided for at the end of the fiscal year not expended as herein provided for shall be covered into the State Treasury and shall be and become a part of the general fund of the State.

Section IV. Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interests of the public, and only after satisfactory proof has been presented to the Board. The applicant must be a person whose application has not been rejected in this or any other State within two years prior to date of application.

Section V. Wherever the masculine gender is used in this Act it is to include the feminine gender. Every applicant for a real estate broker's license shall apply therefor in writing upon blanks prepared or furnished by the Real Estate Commission. Such application shall be accompanied by the recommendation of at least two citizens real estate owners, not related to the applicant, who have owned real estate for a period of one year or more, and who have known applicant for a period of six months, in the county in which said applicant resides, or has his place of business, which recommendation shall certify that the applicant bears a good reputation for honesty, truthfulness, fair dealing and competency, and recommending that a license be granted to the applicant. Every application for a broker's license shall state the name of the person, firm, partnership, co-partnership, association or corporation with which he will be associated in the business of real estate, and the location of the place, or places, for which said license is desired and set forth the period of time, if any, which said applicant has been engaged in the real estate business. Every applicant for a license shall furnish a sworn statement setting forth his present address, both of his business, and residence, a complete list of all former places where he may have resided or been engaged in business for a period during the last five years, accounting for such entire period, and the length of such residence, together with the name and address of at least one real estate owner in each of said counties where he may have resided or have been engaged in business, and whether he has been convicted of a criminal offense involving moral turpitude, and if so, what offense. Every appli-

cant for a salesman's license shall, in addition to the requirements of this section, also set forth the period of time, if any, during which he has been engaged in the real estate business, stating the name and address of his last employer, and the name and the place of business of the person, firm, partnership, co-partnership, association or corporation then employing him, or into whose service he is about to enter. The application shall be accompanied by a written statement by the broker in whose service he is about to enter, stating that in his opinion the applicant is honest, truthful, and of good reputation, and recommending that the license be granted to the applicant. Every applicant for a license, under the provision of this Act, shall be accompanied by the license fee herein prescribed. In the event that the Commission does not issue the license, the fee shall be returned to the applicant. The Commission is expressly vested with the power and authority to make and enforce any and all such reasonable rules and regulations connected with the application for any license as shall be deemed necessary to administer and enforce the provisions of this Act. All such rules and regulations to be subject to the approval of the Governor.

Section VI. The Commission, after application in proper form has been filed, shall, before refusing to issue a license, set the application down for a hearing and determination as herein-after provided in Section IX.

Section VII. The Commission shall issue to each licensee a license in such form and size as shall be prescribed by the Commission. This license shall show the name and address of the licensee and in case of a real estate salesman's license, shall show the name of the real estate broker by whom he is employed. Each license shall have imprinted thereon the seal of the Commission, and in addition to the foregoing shall contain such matter as shall be prescribed by the Commission. The license of each real estate salesman shall be delivered or mailed to the real estate broker by whom such real estate salesman is employed, and shall be kept in the custody and control of such broker. It shall be the duty of each real estate broker to conspicuously display his license in his place of business. The Commission shall prepare and deliver to each licensee a pocket card, which card, among other things, shall contain an imprint of the seal of the Commission, and shall certify that the person whose name appears thereon is a licensed real estate broker or real estate salesman, as the case may be, and if it is a real estate salesman's card, it shall also contain the name and address of his employer. The matter to be printed on such pocket card, except as above set forth, shall be prescribed by the Commission. The original fee for each real estate broker's license shall be Ten Dollars (\$10.00) and the annual renewal fee shall be Five Dollars (\$5.00). The

original fee for each real estate salesman's license shall be five Dollars (\$5.00) and the annual renewal fee shall be Two and 50-100ths Dollars (\$2.50). Provided, that when a co-partnership, association or corporation shall have paid an original fee of Ten Dollars (\$10.00) or a renewal fee of Five Dollars (\$5.00), and shall have designated one of its members or officers as hereinafter provided in this section, the fees payable by any other member or officer actively engaged in the real estate business of such co-partnership, association or corporation shall be Five Dollars (\$5.00) for the first registration fee and Two and 50-100ths Dollars (\$2.50) for the renewal fee, for which a salesman's license shall be issued, but any such member or officer shall be entitled to a broker's license upon the payment of the usual fee therefor. When a real estate broker's license is granted to any co-partnership or association, consisting of more than one person, or to any corporation, this shall entitle the co-partnership, association or corporation to designate one of its members or officers, who upon compliance with the terms of this Act shall without payment of any further fee, upon issuance of said broker's license, be entitled to perform all of the acts of a real estate salesman contemplated by this Act. The person so designated, however, must make application for a salesman's license, which application shall accompany the application of the real estate broker, and be filed with the Commission at the same time. If, in any case, the person so designated by a real estate broker shall be refused a license by the Commission, or in case such person ceases to be connected with such real estate broker, said broker shall have the right to designate another person who shall make application as in the first instance. Each real estate broker's license which may be granted to an individual shall entitle such individual to perform all of the acts contemplated by this Act without any application upon his part and without payment of any fee other than the real estate broker's annual fee. Every license shall expire on the thirty-first day of December of each year. The Commission shall issue a new license for said ensuing year, in the absence of any reason or condition which might warrant the refusal of the granting of a license, upon receipt of the written request of the applicant and the annual fee therefor, as herein required. The revocation of a broker's license shall automatically suspend every real estate salesman's license granted to any person by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued without charge, if granted during the same year in which original license was granted. Every real estate broker shall designate a place of business in this State. If the real estate broker maintains more than one place of busi-

ness within the State, a duplicate license shall be issued to such broker for each branch office maintained. Provided, that if such broker be a co-partnership, association or corporation, a duplicate shall be issued to the members or officers thereof, and a single fee of One Dollar (\$1.00) in each case shall be paid for each duplicate license. Notice in writing shall be given to the Commission by each licensee of any change of principal business location, whereupon the Commission shall issue a new license for the unexpired period without charge. The change of business location without notification to the Commission shall automatically cancel the license theretofore issued. When any real estate salesman shall be discharged or shall terminate his employment with the real estate broker by whom he is employed, it shall be the duty of such real estate broker to immediately deliver or mail by registered mail to the Commission such real estate salesman's license. The real estate broker shall at the time of mailing such real estate salesman's license to the Commission, address a communication to the last known residence address of such real estate salesman, which communication shall advise such real estate salesman, that his license has been delivered or mailed to the Commission. A copy of such communication to the real estate salesman shall accompany the license when mailed or delivered to the commission. It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this Act either directly or indirectly under the authority of said license from and after the date of receipt of the said license from said broker by the Commission; provided, that another license shall not be issued to such real estate salesman until he shall return his former pocket card to the commission or shall satisfactorily account to it for the same. Provided, further, that not more than one license shall be issued to any real estate salesman for the same period of time.

Section VIII. The Commission may upon its own motion and shall upon the verified complaint in writing of any three persons, provided such complaint, or such complaint together with evidence, documentary or otherwise, presented in connection therewith, shall make out a prima facie case, investigate the actions of any real estate broker or real estate salesman, or any person who shall assume to act in either such capacity within this State, and shall have the power to suspend or to revoke any license issued under the provisions of this Act, at any time where the licensee has by false or fraudulent representation obtained a license, or where the licensee in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of: (a) making any substantial misrepresentation, or (b) making any false promises of a character likely to influence, persuade or induce, or (c) Pursuing a continued and flagrant

course of misrepresentation or making of false promises through agents or salesman or advertising or otherwise, or (d) Acting for more than one party in a transaction without the knowledge of all parties for whom he acts or (f) Representing or attempting to represent a real estate broker other than the employer, without the express knowledge and consent of the employer, or (g) failing, within a reasonable time, to account for or to remit any moneys coming into his possession which belong to others, or (h) Being unworthy or incompetent to act as a real estate broker or salesman in such manner as to safeguard the interests of the public, or (i) Paying a commission or valuable consideration to any person for acts or services performed in violation of this Act, or (j) Any other conduct, whether of the same or a different character from that hereinbefore specified, which constitutes improper, fraudulent, or dishonest dealing. Any unlawful act or violation of the provisions of this Act by any real estate salesman, employee, or partner or associate of a licensed real estate broker, shall not be cause for the revocation of a license of any real estate broker, partial or otherwise, unless it shall appear to the satisfaction of the Commission that said employer, partner, or associate had guilty knowledge himself.

Section IX. The Commission shall, before denying an application for license or before suspending or revoking any license, set the matter down for a hearing, and at least twenty days prior to the date set for the hearing it shall notify the applicant or licensee in writing, which said notice shall contain an exact statement of the charges made and the date and place of hearing. The applicant or licensee at all such hearings shall have the opportunity to be heard in person and by counsel in reference thereto. Such written notice may be served by delivery of same personally to the applicant or licensee or by mailing same by registered mail to the last known business address of such applicant or licensee. If such applicant or licensee be a salesman the Commission shall also notify the broker employing him or in whose employ he is about to enter by mailing notice by registered mail to the broker's last known business address. The hearing on such charges shall be at such time and place as the Commission shall prescribe. In the preparation and conduct of hearings the Commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of papers, and any member of the Commission may sign subpoenas, administer oaths and affirmations, examine witnesses and receive evidence. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts of this State in civil cases. Any party to any hearing before the Commission shall have the right to the attendance of witnesses in his behalf at such hearing upon making a request thereof to the

Commission and designating the person or persons sought to be subpoenaed. In case of disobedience to a subpoena any member of the Commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers; and such court may issue an order requiring the persons to appear before the Commission and give evidence or to produce papers as the case may be; and any failure to obey such order of the court may be punished by the court as a contempt thereof. Testimony may be taken as in civil cases, and any person may be compelled to appear and depose in the same manner as witnesses may be compelled to appear and testify as hereinbefore provided. Any person who shall neglect or refuse to attend and testify or to answer any lawful inquiry or to produce documentary evidence if in his power to do so in obedience or a subpoena or lawful requirement by such Commission or member thereof shall be guilty of a misdemeanor and upon conviction thereof by a court of competent jurisdiction shall be punished as provided in Section XII of this Act. If the Commission shall determine that any applicant is not qualified to receive a license, a license shall not be granted to such applicant, and if the Commission shall determine that any licensee is guilty of a violation of any of the provisions of this Act, the license shall be suspended or revoked. The Commission, upon request of the applicant or licensee shall furnish said applicant or licensee with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for suspension of the rights of the licensee or for the revocation of the license, as the case may be. The findings of the Commission may be appealed to the Circuit Court of the County in which the licensee resides, provided an appeal is taken within thirty (30) days after such final determination of the Commission. Any licensee desiring to appeal under this section shall file with the Board of Commissioners, or some member thereof, a notice in writing that he appeals to the Circuit Court, with at least one solvent surety, payable to the State of Alabama, conditioned to prosecute such appeal to effect, and upon failure so to do, to pay all costs and damages which may be adjudged against him by the Circuit Court on such appeal; bond to be approved by the Circuit Court Clerk of the County. Any cause when so appealed shall be tried *de novo* in the Circuit Court.

Section X. A non-resident of this State may become a real estate broker or a real estate salesman by conforming to all of the conditions of this paragraph and this Act. In its discretion the Commission may recognize in lieu of the recommendations and statements required to accompany any application for license, the license issued to a non-resident broker, or salesman, in such other state, upon payment of the license fee and the filing

by the applicant with the Commission of a certified copy of applicant's license issued by such other state. (1) Provided, that such applicant, if a broker, shall maintain an active place of business in the state by which he is originally licensed; and (2) Provided, further, that every non-resident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper court of any county of this State in which a cause of action may arise in which the applicant may reside, by the service of any process or pleading authorized by the laws of this State on the Secretary of the Commission, said consent stipulating and agreeing that such service of such process or pleadings on said secretary shall be taken and held in all courts to be as valid and binding as if due service had been made upon said applicant in the State of Alabama. Said instrument containing such consent shall be authenticated by the seal thereof, if a corporation, or by the acknowledged signature of a member or officer thereof, if otherwise. All such applications, except from individuals, shall be accompanied by the duly certified copy of the resolution of the proper officers or managing board, authorizing the proper officer to execute the same. In case any process of pleadings mentioned in the case are served upon the Secretary of the Commission, it shall be by duplicate copies, one of which shall be filed in the office of the Commission and the other immediately forwarded by registered mail to the main office of the applicant against which said process or pleadings are directed. (3) Provided, further, however, that every non-resident of this State shall file a bond in form and content the same as is required of applicants under Section V of this Act.

Section XI. The Commission shall at least semi-annually publish a list of the names and addresses of all licensees licensed by it under the provisions of this Act, and of all persons whose license has been suspended or revoked within one year; together with such other information relative to the enforcement of the provisions of this Act as it may deem of interest to the public. One of such lists shall be mailed to the Probate Judge of each County of the State, and shall be held by said Probate Judge as a public record. Such lists shall also be mailed by the Commission to any person in this State upon request.

Section XII. Any person or corporation violating a provision of this Act shall upon conviction thereof, if a person, be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for a term not to exceed six months or by both fine and imprisonment, in the discretion of the court, and if a corporation, be punished by a fine of not more than One Thousand Dollars (\$1,000.00). Any officer or agent of a corporation or member or agent of a co-partnership or association, who shall

personally participate in or be accessory to any violation of this Act by such co-partnership, association or corporation, shall be subject to the penalties herein prescribed for individuals. Any court of competent jurisdiction shall have full power to try any violation of this Act, and upon conviction the court may at its discretion revoke the license of the person, co-partnership, association or corporation so convicted. Any one who is damaged by any act of a licensee on account of any violation of this Act may maintain an action, on the bond herein provided for, in his own name and recover any damage suffered by him. The law shall not be construed to release any person from civil liability or criminal prosecution under the general laws of this State. The Commission may refer a complaint for violation of Section 1 of this Act before any court of competent jurisdiction, and it may take the necessary legal steps through the proper legal officers of this State to enforce the provisions hereof and collect the penalties herein provided.

Section 12 1-2. Before said Board of Commissioners herein provided for shall receive a Commission and enter upon the discharge of their duties, each of said Commissioners shall take and subscribe the oath provided for by law to be taken by elective officers of the State of Alabama.

Section XIII. If any section, subsection, sentence, clause, phrase, or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause, phrase and requirements thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or requirements be declared unconstitutional.

Section XIV. All laws or parts of laws in conflict with this Act be, and the same are, hereby repealed.

Section XV. Nothing in this Act contained shall affect the power of the State, County or municipality to tax, license and regulate real estate brokers or salesmen. The requirements hereof shall be in addition to the requirements of any existing or future law or ordinance of any state, county or municipality so taxing, licensing or regulating real estate brokers or salesmen.

Section XVI. This Act shall become effective on the first day of January, A. D. 1928.

Approved August 27, 1927.

AN ACT

To propose an amendment to the Constitution of Alabama for the purpose of authorizing the Legislature to form or provide for the formation of drainage districts, and establishing and maintaining drainage systems; provide for the assessment of the whole or part of the cost of such improvements against the lands in such districts to the extent of the increased value of said lands by reason of special benefits derived from such improvements; to provide for the issuance of bonds by such districts with or without an election; to make such amendment retroactive and retrospective so as to ratify, confirm and validate the Act of the Legislature of Alabama, which Act provided for the drainage of farm, wet, swamp and overflow lands in the State of Alabama and authorized the organization of drainage districts, conferred the right of eminent domain to the extent necessary to carry out the purpose of said Act, and provided for the raising of revenue by bond issues or otherwise to pay the cost and expenses of installing and maintaining drainage systems, so as to promote the public health and general welfare and, which Act was approved March 4, 1915; and to confirm and validate all corporate organizations under authority of such law, all procedure had, all acts done, all bonds issued, contracts entered into and assessments made by such corporations under authority of such law; and to order an election by the qualified electors of the State upon such proposed amendment to be held at the next general State election in Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State upon such proposed amendment to be held at the next general State election to be held in Alabama at which said amendment shall be voted upon. The proposed amendment is as follows: Article , Section 1: The Legislature may form or provide for the formation of drainage districts, for establishing and maintaining drainage systems; and provide for the assessment of the whole or part of the cost of such improvements against the lands and property in such district to the extent of the increased value thereof by reason of special benefits derived from such improvements and may provide for the issuance of bonds for such districts with or without an election.

Section 2: This amendment shall be retroactive and retrospective and shall operate to ratify, confirm and validate the Act of the Legislature of Alabama, which Act provided for the drainage of farm, wet, swamp and overflow lands in the State of Alabama and authorized the organization of drainage districts, conferred the right of eminent domain to the extent necessary to carry out the purpose of said Act, and provided for the raising of revenue by bond issues or otherwise to pay the cost and expense of maintaining drainage systems so as to promote the public health and general welfare and, which act was approved March 4, 1915; and this amendment shall operate to confirm

and validate all corporate organizations under authority of such law, all procedure had, all acts done, all bonds issued, all contracts entered into and assessments made by such corporations under authority of such law.

Section 2A. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor, which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the date hereby appointed for such election.

Section 3. At the election ordered to be held as hereby provided the qualified elector shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Article — of the Constitution of Alabama." Section 1. The Legislature may form or provide for the formation of drainage districts for establishing and maintaining drainage systems; and provide for the assessment of the whole or part of the cost of such improvements against the lands and property in such district to the extent of the increased value thereof by reason of special benefits derived from such improvements and may provide for the issuance of bonds for such districts with or without an election. Section 2. This amendment shall be retroactive and retrospective and shall operate to ratify, confirm and validate the Act of the Legislature of Alabama, which Act provided for the drainage of farm, wet, swamp and overflow lands in the State of Alabama and authorized the organization of drainage districts, conferred the right of eminent domain to the extent necessary to carry out the purpose of said Act and provided for raising of revenues by bond issue or otherwise to pay the cost and expense of installing and maintaining drainage systems so as to promote the public health and general welfare and, which Act was approved March 4, 1915; and this amendment shall operate to confirm and validate all corporate organizations under authority of such law, all procedure had, all acts done, all bonds issued, contracts entered into and assessments made by such corporations under authority of such law. "Yes....." "No....." The choice of the elector shall be indicated by crossmark made by him or under his direction opposite the word expressing his desire.

Section 4. The officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing general elections and the constitutional provisions concerning amendments to the constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Approved August 25, 1927.

No. 347)

(H. 391. Poole

AN ACT

To provide a general system of legislation pertaining to public roads, highways and bridges, including therein the establishment of a State Highway Department and State Highway Commission; to create the office of Alabama Highway Director in Alabama; to define and regulate the powers, duties and authority of the State Highway Commission and of local authorities, boards of revenue, courts of county Commissioners, municipalities or like governing bodies; to provide authority and empower the Board of Administration to make agreements and contracts with the State Highway Commission for convict labor and let contracts for signs, advertising, etc., on highways; to define and provide rules of the road, including traffic regulations, penal violations, duties of owners and drivers and the regulation as to size, weight and equipment of motor vehicles moving over, along, or upon such roads; to provide for the establishment, discontinuance, working and maintenance of public roads, bridges and ferries; to provide for the establishment and maintenance of private roads; to provide for State Bonds for construction and maintenance of roads, issue and sale of; Good Roads Day established; Offenses concerning toll bridges, turnpikes and causeways; protecting bridges from floating logs and to provide against injury to mill dams, bridges, canals and road gates; to provide for working of public roads, persons liable and persons exempt from road duty; to provide for railroad tracks, bridges, viaducts and tunnels; and the repeal of all laws and parts of laws in conflict with the provisions of this Act, except such laws pertaining to revenue.

Be it Enacted by the Legislature of Alabama:

ARTICLE I

Section 1. (a) This act shall be known, and when cited or amended may be designated as, "The Alabama Highway Code"

(b) (1298) STATE HIGHWAY DEPARTMENT ESTABLISHED. There is created a State Highway Department in the State of Alabama which shall consist of a State Highway Commission of three members. One member shall be designated as Highway Director, and the other two members shall be Associate members of the Commission.

All members of the commission shall be bona fide residents and qualified voters of the state of Alabama, but no two members of said highway commission shall be from the same county within the state; provided, however, that whenever a member of the commission is appointed by the Governor, he shall be a bona fide resident and a qualified voter of the county from which he is appointed.

Section 2. (1299). TERM OF OFFICE OF COMMISSION.—Unless otherwise removed from office as is provided for in this article, the highway director of the commission shall serve for six years from date of appointment; and the other associate members shall serve for two years from date of appointment, after which the term of each member shall be four years unless sooner removed as is provided for in this article.

Section 3. (1300). REMOVAL, VACANCIES; QUORUM.—The governor may remove any member as is now provided for by law for the removal of appointive officers by the Governor. All vacancies in the commission shall be filled by appointment of the governor for the unexpired term. Two members of the commission shall constitute a quorum for the transaction of business of the state highway department.

Section 4. (1301). NOTICE OF MEETINGS OF COMMISSION.—Notices of all meetings of the commission shall be given by the secretary of the commission in such manner and under such rules and regulations as may be prescribed by the commission.

Section 5. (1302). BOND OF COMMISSIONERS—Each of the commissioners shall execute a bond in such amount as the governor may require, payable to the state, in some guaranty company doing business in Alabama.

Section 6. (1303). DUTIES AND POWERS OF COMMISSION.—The state highway commission shall consider and determine all questions relating to the general policy of the state highway department and the conduct of its work and in the performance of its duties. It shall be the duty of the department to designate the roads to be constructed, repaired and maintained and to construct, standardize, repair and maintain roads and bridges of this state; and shall have authority to make contracts, or agreements, to construct, or pave the roadway only of the street or streets, which will serve to connect the State Highways constructed or repaired by the State Highway Department, within any town, or municipality, the population of which shall not exceed five thousand inhabitants, as given by the last Federal census; and may also cooperate or contract with any municipality, or county authorities in the paving or improving the roadway only, of any street or highway upon which a State Educa-

tional or Eleemosynary Institution may front or abut, provided that, where such State Educational or Eleemosynary institution, or the property thereof, fronts or abuts on both sides of the street or highway, the roadway of which is to be paved or improved, the State Highway Department is hereby authorized to, and shall, expend an amount of money sufficient to cover the entire cost thereof, and where such institution, or the property thereof, fronts or abuts on only one side of such street or highway, the said Department is hereby authorized to, and shall, expend an amount of money sufficient to cover only one half of the cost thereof; the State Highway Commission is authorized and empowered and may, with the approval of the Governor, enter into contract by bond or policy, with an Insurance Company authorized to do business in this State, covering a certain amount to be paid to the employes of the State Highway Department, actually engaged in the Construction, Maintaining or Repairing of Public Roads and Bridges, who by accidental means may be killed or injured. Provided that the amount paid to any such party on account of accidental death, or injury shall not exceed the amount or amounts as provided by the Compensation Act of this State. The premium upon such bond or policy shall be paid out of the funds of the State Highway Department as provided by law; and to that end and for that purpose the Department may with the consent and approval of the Governor disburse any monies hereby or otherwise appropriated or set apart for the construction, repair or maintenance of the public roads, bridges and highways of this State.

Section 6 1-2. POLICE POWERS OF COMMISSIONERS: The members of the State Highway Commission of Alabama, shall be and are hereby vested with full police power to prefer charges against, and to make arrests of any person or persons violating any of the highway laws of the State of Alabama. The State Highway Commission shall have full authority to designate any other person or persons in the employment of the State Highway Department as a deputy police officer and such deputy police officer shall have full authority to prefer charges or, and, make arrests of any person or persons violating any of the highway laws of the State of Alabama and the jurisdiction of each officer or deputy as herein provided shall not be restricted to any one county, but shall have full authority throughout the State of Alabama. Provided, however, that said officers and deputies shall have no authority to prefer charges or make arrests for the violation of other than that of the road laws of the State of Alabama.

Section 7. (1304). REPORT OF DEPARTMENT TO GOVERNOR.—On or before the first day of April in each year, the department shall submit a printed report to the governor,

stating as near as possible the number of miles of roads built or improved and also the culverts and bridges constructed during the preceding fiscal year showing the cost and general character of same and the location of materials suitable for road construction, showing where such roads, culverts and bridges have been constructed. The department shall also recommend to the governor and legislature such legislation as it deems advisable and furnish any other information concerning road and bridge improvements as may be deemed expedient by the governor and the legislature.

Section 8. (1305) SEAL OF DEPARTMENT; POWER TO ADMINISTER OATHS. The department shall have a seal and each member of the commission shall have the power to administer oaths, take affidavits, and make certificates.

Section 9. (1306) OFFICES OF DEPARTMENT. The department shall be provided with suitable offices at the state capitol, or such other places as the needs of the department may require, but no office in any other place than the capitol shall be established as an office of said department without the consent and approval of the governor in writing. All offices shall be kept open at such times as the business of the department and the convenience and interest of the public may require. The offices shall be conveniently and properly furnished at the expense of the state and shall be the depository for all records of the state highway department. The state highway commissioner shall give their entire time to the duties of their office.

Section 10. (1307). SEPARATE DUTIES, QUALIFICATIONS OF COMMISSIONERS.

(a) The Highway Director shall be designated as the presiding officer of the highway commission, he shall be a competent civil engineer, having had not less than six years responsible engineering experience, of which not less than three years must have been in responsible highway engineering; he shall have charge of all engineering problems and of all construction of roads, bridges, and culverts and devote his entire time thereto except as his time may be required on matters coming before the entire commission and as herein further provided by this section.

(b) One of the associate commissioners shall be designated as Commissioner of Maintenance and shall devote his time to the maintenance and repair of roads, bridges, and culverts which have been or shall be constructed or taken over under authority of this article, and shall have charge of the inspection of all motor vehicles using the public highways and shall have full authority to enforce all rules and regulations and rules of the road, concerning motor vehicles as to equipment, safety and practices when operating upon the public highways, as provided by law, to

provide measures for the enforcement of all penalties in violation thereof, on all motor vehicles, using the public highways; except as his time may be required on matters coming before the entire Commission and as herein further provided in this section.

(c) One of the commissioners shall be designated as Commissioner of Finance and Audit and shall devote his time to all duties pertaining thereto and to such other duties of the Highway Commission as are not specified in subdivisions a and b of this article or that may hereinafter be promulgated, except as his time may be required on matters coming before the entire commission, and as herein further provided by this section.

(d) Nothing in subdivisions A. B. and C. shall be construed to prevent the highway commission, from time to time, as in its judgment it may be found necessary, to reassign or reapportion the duties of the members thereof by and with the approval of the governor.

Section 11. The salary of the Alabama Highway Director in Alabama shall be fixed at a sum to be prescribed by the Governor, but not to exceed the salaries formerly paid the President of the State Highway Commission and the State Highway Engineer, and the salaries of the Associate Commissioners shall be fixed at a sum to be prescribed by the Governor, not to exceed six thousand, five hundred dollars (\$6,500.00) per annum each. Said salaries shall be paid in monthly installments on warrants drawn by the Auditor. They shall also be paid their necessary traveling expenses when absent from the office of the said Commission on business of the Highway Department upon itemized verified statements approved by the Alabama Highway Director of the said Commission and the Governor.

Section 12. (1311) RECORDS OF HIGHWAY COMMISSION; ASSISTANTS, CLERKS, ETC., The state highway commission shall keep an official record of all its acts and doings. The commission shall also employ such assistant engineers, superintendents, chemists, clerks, stenographers, draftsmen, foremen, laborers, and any other help, as may be necessary for the proper carrying on of the work of the state highway department and may fix their compensation and the time of payment which shall be paid out of the state highway fund.

Section 13. (1313) MOTOR VEHICLES OF HIGHWAY DEPARTMENT EXEMPT FROM LICENSE. Motor vehicles used by the state highway department, its officials or engineers, shall not be subject to any state, county or municipal license.

Section 14. (1314) ATTORNEY GENERAL, ATTORNEY FOR HIGHWAY DEPARTMENT. The attorney general of the state shall be ex-officio attorney for the state highway department and shall give such department such legal counsel as it may require. He shall receive his necessary traveling expenses as

provided by law when in the performance or the discharge of his duties as ex-officio attorney for the department.

Section 15. (1315) COPIES OF PLAN ON FILE; RECORDS OPEN FOR INSPECTION. The state highway commission shall keep on file in its office copies of all plans and specifications prepared by the state highway department and the files and records of such department shall, under reasonable regulations, be kept open for inspection of the public at all reasonable hours. Certified copies of records shall be received in evidence in all the courts of this state.

Section 16. (1316) GENERAL DUTIES OF HIGHWAY DEPARTMENT. The State Highway Department shall cause to be made and kept in its office a general highway map of the State which shall show all State trunk roads. It shall collect information and prepare statistics relative to the mileage, character and condition of the roads and bridges in all counties of the State. It shall investigate and determine the methods of road construction best adapted to the various sections of the State and shall establish standards for the maintenance of roads and bridges which have been constructed with State aid. It may at all reasonable times be consulted by county and municipal officials relative to any matter relating to the construction of roads and bridges or culverts and the Commission may also call on all county and municipal officials for any information or assistance it may require and it shall be their duty to supply the same. The State Highway Commission shall determine the character and have the general supervision over the construction and maintenance of all the public roads, bridges, and culverts in the State where the funds of the State are used, and shall have a general supervision over the expenditure of any funds apportioned to any county of the State for the construction and maintenance of all public roads, bridges and culverts in each county.

Section 17. (1317) APPROPRIATION TO DEPARTMENT OF MOTOR VEHICLE LICENSE. There is hereby appropriated to the State Highway Department, for its use the entire net revenue derived by the State from the sale of motor vehicle, trailer and tractor licenses, and such other appropriations or funds, received by the State Highway Department shall be expended and accounted for as herein provided. Said State Highway Fund shall be paid out of the treasury on the State Auditor's warrant drawn upon presentation to him of the certificate of the State Highway Commission signed by the Highway Director, and approved by the Governor.

Section 18. (1318) STATE HIGHWAY FUND; FOR WHAT PURPOSE USED. All proceeds arising from the sale of State

Highway Bonds and the revenue appropriated to the State Highway Department, when received by the State Treasurer, shall be set aside in a special fund known as the State Highway Fund, and be used for no other purpose than in the carrying out of the provisions of this article. The revenue derived by the State from the sale of motor vehicle, trailer and tractor licenses and all other appropriations shall be used for the following purposes; first, to provide a sinking fund sufficient for the retirement of the said road bonds as they shall mature; second, for the expense of the Highway Department and for the maintenance of roads and bridges constructed under the provisions of this article; third, for the purchase of supplies and material, live stock and machinery, and any balance for the construction of roads and bridges. Annually, at such times as they may deem most convenient or suitable, the State Highway Department shall, out of said revenues, set apart a sum sufficient for the providing of said sinking fund and for the further expenses of the Highway Department and the maintenance of constructed roads and bridges, and the sum so set apart shall be used for no other purposes whatever. The proceeds of the sale of State Road Bonds and the moneys appropriated by Congress under the Act known as the Federal Aid Law, shall be used exclusively for the purpose of constructing highways and bridges and the acquisition of bridges and of material.

Section 19. (1319) RULES AND REGULATIONS OF DEPARTMENT. The State Highway Department shall have the right and power to adopt all reasonable and necessary rules and regulations for the better construction, repair and maintenance of the public roads and bridges in Alabama which the Commission shall deem proper. The Department shall have the power to enter into contracts and agreements with the owners or operators of telegraph or telephone lines or power transmission lines which are constructed or operated along or across the public roads, bridges and highways of this State and to prescribe all reasonable rules and regulations as to the construction, repair or maintenance of the poles, wires and lines of such telegraph, telephone and power companies so as to insure the safety of the public in using the roads, bridges and highways in this State.

The Department may also prescribe any reasonable rules and regulations so as to prevent unnecessary trespassing upon or injury to any of the public roads, bridges or highways of the State, upon which State money may be expended or appropriated, or upon any part of the right-of-way of any of the public roads or highways in the State upon which State money may be expended or appropriated. The Department may also prescribe rules and regulations as to the weight or tonnage of vehicles to be used upon any of the public roads, bridges, or highways of

the State upon which State money may be expended or appropriated.

Section 20. (1320) AGREEMENTS WITH OTHER STATES AS TO BRIDGES. The Department may also contract and enter into agreements with other states as to construction, repair, or maintenance of any bridge across any stream which forms the boundary line between this and any other State.

Section 21. (1321) MEMBER OF COMMISSION NOR EMPLOYEE TO BE INTERESTED IN CONTRACT OR SALE OF MATERIAL. No member of the State Highway Commission, or any other person in the employ of the State Highway Department shall be either directly or indirectly interested in any contract or agreement for the construction or maintenance of any road or bridge in this State, or in the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges of this State.

Section 22. (1322) APPROPRIATION TO DEPARTMENT; BALANCE TO ROADS. The State Highway Department shall reserve out of the State Highway Fund a sufficient sum annually to support the State Highway Department, the balance shall be used in the construction and maintenance and repair of the State Trunk Roads and bridges on the State Trunk Roads as is or may be provided by law. Before making any appropriations to counties of State aid fund, the State Highway Department shall first set aside out of the State Highway Fund a sum which, in its opinion, is sufficient to secure the Federal fund apportioned to this State, so that the State will not lose the benefit of the appropriation of Federal aid.

Section 23. (1323) APPLICATION BY COUNTIES FOR STATE AID. Whenever a Court of County Commissioners, Board of Revenue or other like governing body of a county shall desire that a State trunk road or bridge on a State trunk road in said county be constructed or maintained with State aid, written application shall be made by the county to the State Highway Department under such rules and regulations as the Department may prescribe. Such application, when made, shall be considered by the Department and if approved by it, the Commissioners shall direct an engineer to view said road or bridge and cause to be made surveys, plans, specifications and estimates of the cost of construction or maintenance and the State Highway Department may thereupon appropriate out of the State Highway Fund such part of the estimated cost of such work as it may deem proper and the State Highway Department shall proceed to do such work by contract or with its own force. If it deems best, the Department may accept appropriations from the county for said work, which shall be paid into the State Treasury to the credit of the State Highway Fund, before the work begins.

Whenever a county fails to make application for the construction or maintenance of a road, or bridge or the Department deems it best for such work to be done, it may proceed to construct or maintain any part of the State trunk road or bridge upon a State trunk road and pay part or all of the cost of such work out of the State Highway Fund.

Section 24. (1324) **ENGINEER FURNISHED TO COUNTY FOR ROAD CONSTRUCTION.** The State Highway Department shall furnish a competent engineer, when needed, during the progress of road or bridge construction, repair or maintenance in any county under the provisions of this article, who shall supervise said work and see that the plans and specifications are complied with.

Section 25. (1325) **ADVERTISEMENT FOR BIDS; HOW MADE.** Whenever it is proposed to do such work by contract and the estimated cost of such work exceeds five thousand dollars, the State Highway Department shall advertise for bids for at least thirty days in advance of the award of the contract in a newspaper published in the city of Montgomery and in a newspaper published in the county where the work is to be done, and in any other newspaper or periodical if the Department deems such other publication necessary and shall receive bids for all or a part of said work and let the contract to the lowest responsible bidder.

Section 26. (1325) **PROPOSALS FOR GENERAL WORK; HOW ADVERTISED.** When proposals are asked for doing work of a general nature over the State it shall not be necessary for advertisement to be inserted in papers in each county, but the Department must advertise in at least three daily newspapers published in the State for at least two weeks. It shall reserve the right, however, to reject any and all bids and call for new bids, or perform the work or any part of said work by day labor or convict labor or by entering into a contract with the Convict Department of the State to do such work or labor as it may deem best for the interest of the State and the county.

Section 27. (1327) **CONTRACTS WITH COUNTIES, MUNICIPALITIES, ETC.** The State Highway Department may enter into contracts with any of the counties of the State, or with any of the municipalities of this State as it may with individuals, firms or private corporations, to do any work in the construction, repair or maintenance of the roads, bridges or highways in this State.

Section 28. (1328) **BONDS OF CONTRACTORS.**

(a) Any person, firm or corporation entering into a contract with this State, or any county or municipal corporation in this State for the repair, construction or prosecution of any public building or public work, highways and bridges, shall be re-

quired, before commencing such work, to execute a bond payable to the State, county or municipal corporation, with good and sufficient surety, approved in writing by the authority having charge of the making of such contract, conditioned that such contractor or contractors, shall faithfully perform such contract of the work agreed and contracted to be done, and shall promptly make payment to all persons supplying him or them with labor, material, feed-stuffs, or supplies, in the execution of the work provided for in such contract. Provided, however, that this section shall not apply to contracts of less than \$1,000.00 in amount, as to the State, and less than fifty dollars as to counties and cities.

(b) Any person, firm or corporation supplying the contractor with labor, materials, feed-stuffs or supplies, after the complete performance of the contract and within sixty days therefrom, shall, upon application therefor and furnishing affidavit to the authority under the direction of whom such work has been prosecuted, that labor, material, feed-stuffs or supplies for such work has been supplied by him or them, and that payment for the same has not been made, be furnished a certified copy of said bond, and shall have a right of action thereon, and shall be authorized to bring suit on said bond in his or their name or names, and to prosecute the same to final judgment and execution.

(c) The contractor shall immediately after the completion of the contract give notice of said completion by an advertisement in some newspaper of general circulation published within the city or county wherein the work has been done for a period of four (4) successive weeks. In no instance shall a final settlement be made upon the contract until the expiration of thirty days after the completion of same.

(d) Upon the demand of the contractor for final settlement he shall file with the proper officials or authority by and with whom said contract was made, a sworn statement by the publisher of the newspaper as prescribed in provision (c) of this section, attaching thereto a copy of said publication of notice.

(e) That where suit is instituted by any of such creditors on the bond of the contractor, it shall not be commenced until after the complete performance of said contract and final settlement thereof; and where suit is so instituted by a creditor or by creditors, only one action shall be brought, and any creditor may file his claim in such action and be made party thereto. If the recovery on the bond should be inadequate to pay the amounts found to be due to all of said creditors, judgment shall be given to each creditor prorata of the amount of the recovery. In all suits instituted under the provisions of this section, personal notice of the pendency thereof, informing them of their right

to intervene as the court may order, shall be given to all known creditors, and in addition thereto, notice by publication for four successive weeks shall be given in some newspaper of general circulation published in the county where the work or a part thereof is being or has been performed. "Provided, that all actions against the surety, as provided under this section, must be commenced within sixty days after the complete performance of said contract and final settlement thereof. Any action hereunder may be brought in the county where the work was done or in any county where the contractor does business by agent."

(f) If there be no newspaper published in the city or county as provided in subdivisions (c) and (e) then such publication shall be made in a newspaper having a general circulation in the city and county where the work is completed and by a notice posted at the county court house of the county in which this work is done.

Section 29. (1329) PAYMENT FOR CONTRACT WORK. The State Highway Department may authorize partial payments to the contractor performing any road or bridge work as the work may progress. The progress estimates and payments shall be based upon materials placed and labor expended upon the work, but not more than 85% of the contract price of the work shall be paid in advance of the full completion and acceptance of the work. At least 15% of the full contract price of any such work shall be withheld until the work is satisfactorily completed and approved by the State Highway Commission as to the fulfillment of all of the provisions of the bond therein.

Section 30. (1330) CONTRACTS; HOW DRAWN AND APPROVED. Every contract for road or bridge construction, repair or maintenance under the provisions of this article shall be made in the name of the State of Alabama, approved by the State Highway Department and the Highway Director of the State Highway Commission, and the Governor.

Section 31. (1331) RIGHT OF WAY FOR ROADS; HOW ACQUIRED. The right of way deemed necessary by the State Highway Department for a road or bridge constructed under the provisions of this article shall be acquired by the County in which such road is to be located, without expense to the State. Should the county fail or refuse to acquire the necessary right of way, the State through the State Highway Department shall have authority at the expense of the county to acquire such right of way, either by purchase or by the exercise of the right of eminent domain in condemnation proceedings, as is provided for under the laws of this State.

Section 32. (1332) ROADS MAY BE CLOSED, MATERIAL, ETC., ACQUIRED—The State, acting through the State Highway Department and its duly authorized employees and the

various counties of the State acting through the board of revenue or other like body and their duly authorized employees, in the doing of public roads work, shall have and exercise the right, power and authority, when deemed necessary or advisable to do so, to close public roads to traffic, and when possible so to do, to make detour roads and to contract for such land as may be necessary for such detour roads; also to acquire by purchase or by condemnation land necessary for drainage, ditches and borrow pits, lime and stone quarries, clay and clay pits, sand and sand pits, gravel and gravel pits, together with any and all other material of every character that may be necessary or essential or desired in the construction and maintenance of highways and bridges, and to tap and draw materials from the same to such extent as may be desired, and the State Highway Department shall also have the right to acquire by purchase or condemnation rights of way necessary for ingress and egress to such material pits as above named.

Section 33. (1333) CONTRACTS SHALL HAVE APPROVAL OF GOVERNOR. No contracts, for construction, repair or renewals of highways, bridges, or culverts shall be let without the approval of the Governor and until after all necessary right of way for such highways and right for material for construction and right of way for ingress and egress to said material have been legally procured and all documents covering such procurement have been placed on file with the highway director of the Commission.

Section 34. (1334) ROAD DUG UP FOR LAYING PIPE LINES; HOW REPLACED. No road constructed or maintained under the provisions of this article shall be dug up or used for laying pipe lines, pole lines, sewers, railways, or for other similar purposes without the written permit of the State Highway Commission and such work shall be done only in accordance with the regulations prescribed by the Commission and the cost of replacing the road in as good condition as it was before such work was done shall be paid by the person, firm, or corporation to whom or in whose behalf such permit was given. Such person, firm or corporation so desiring such work shall furnish the State with a cash deposit or certified check upon a solvent bank in the amount required by the State Highway Commission conditioned that the sum is to be forfeited to the State in the event that said road is not placed in as good condition as it was prior to said work being done, within fifteen days from the time said work is completed.

Section 35. (1335) HIGHWAY DEPARTMENT MAY CONSTRUCT OR PURCHASE BUILDINGS, TOOLS, ETC. The State Highway Department is authorized to rent, construct, or purchase such buildings, stock, machinery, tools, materials

and other equipment as it may find necessary for use in carrying out the provisions of this article and pay for the same out of the State Highway Fund. It shall also pay out of said fund the necessary expenses of the Department of every description including traveling expenses of the officials and engineers, superintendents, foremen, and clerks, etc., while in the actual performance of their duties authorized or imposed by this article and also the cost of all supplies or materials furnished for said Department and for the maintenance of all live stock and machinery used by the Department or its agent.

Section 36. (1336) **CHANGES OR ADDITIONS TO STATE TRUNK ROADS.** The State Highway Department shall have full authority to make such changes or additions to the system of State Trunk Roads to conform to the requirements of the Federal Aid Law, as it may deem proper, and construct or maintain the same with State Aid under the provisions of this article.

Section 37. (1337) **STATE CONVICTS MAY BE WORKED ON ROADS.** The State Highway Department may work convicts in the construction or maintenance of public roads and bridges of Alabama, as may now or may hereafter be provided by law, or may work convicts in the construction, repairing, or maintaining public roads, or bridges by contract or agreement with the Board of Administration, as to the number of convicts required to do such work. Provided that the charge for labor of such convicts, shall not exceed two dollars per day, and no other expense incurred by the use of such convicts shall be chargeable to the State Highway Department, except such necessary tools and implements used in the construction, repairing or maintaining of the public roads and bridges upon which the convicts are employed.

Section 38. (1338) **STATE ASSENTS TO FEDERAL AID LAW; CONTRACTS IN RELATION TO.** The State of Alabama hereby assents to the provisions of the Act of Congress approved July 11, 1916, known as the Federal Aid Law, which act of Congress is entitled, "An act to provide that the United States shall aid the States in the construction of rural post roads and for other purposes," and assents to all subsequent amendments to such act of Congress. The State Highway Department is hereby authorized to enter into all contracts and agreements with the United States and the provisions of said act of Congress and all amendments thereto, to submit such schemes or programs of construction and maintenance as may be required by the Secretary of Agriculture, and to do all other things necessary to fully carry out the cooperation contemplated and provided for by said Act of Congress and all Amendments thereto.

Section 39. (1339) **GOOD FAITH OF STATE PLEDGED FOR MAINTENANCE OF ROADS.** The good faith of the State of Alabama is hereby pledged to make available funds sufficient to equal the sum apportioned to the State by or under the United States Government and maintain the roads constructed under the provisions of the Act of Congress or any amendment thereto and to make adequate provision for caring for such maintenance.

Section 40. (1340) **HIGHWAYS SHALL CONNECT COUNTY SEATS.** The State Highway Commission or Highway Department shall locate, construct and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct and most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several border counties at or near the State line with a public road in the border states. No contract or agreement for the location or construction of any road or highway in this State shall be made unless such road or highway shall tend to connect the various county seats of the State by the most direct routes as provided for in the Act approved September 30, 1919, and also an Act approved October 29, 1921; but this article shall not interfere with any road contracted for before the 24th day of September, 1923.

Section 41. (1341) **MONEY AND LABOR EQUITABLY APPORTIONED AMONG COUNTIES.** The Highway Commission or Highway Department shall equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investment; said roads to be constructed or maintained without expense to the several counties, except as is otherwise provided in this article or other laws of this State.

Section 42. (1342) **AMOUNT SET ASIDE FOR EACH COUNTY.** By the phrase "Equitably apportioned" as is used in the next preceeding section is meant that not less than two hundred fifty thousand dollars of State funds for roads shall be set aside and expended in each county in the State by the State Highway Commission.

Section 43. (1343) **ADDITIONAL AUTHORITY OF THE HIGHWAY DEPARTMENT.** The State Highway Department in addition to the right, authority and powers conferred upon it by this article, is authorized to make all such reasonable rules and regulations as the department may deem necessary to carry out the provisions of this article, and; whenever the funds of the State are being expended for the construction, maintenance or repair of a public highway, the State Highway Commission, shall have the power and authority to compel all steam railways operating in this State, to construct viaducts, tunnels, underpasses,

or bridges to the full extent of the width of the right-of-way and over the tracks as owned, or operated by any steam railway, when in the judgment of the State Highway Commission, such viaducts, tunnels, underpasses, or bridges are necessary for the safety of the general public and whereby a dangerous grade crossing is eliminated.

The State Highway Commission may appropriate out of the funds credited to the Highway Department, for the construction, and maintenance of highways, an amount not to exceed fifty per cent of the cost to construct said viaduct, tunnels, underpasses, or bridges to the full extent of the width of the right-of-way and over the tracks as owned, or operated by any steam railway in this State. If after due notice to a steam railway that such a viaduct, tunnel, underpass, or bridge, in the judgment of the State Highway Commission, is necessary to be built or constructed across the width of the right-of-way and over the tracks of the steam railway, and such steam railway fails, or refuses to comply with the order of the State Highway Commission, as provided in this section, the State Highway Commission is empowered and authorized to forthwith build or construct such viaducts, tunnels, underpasses, or bridges, and the amounts so expended for such construction as provided herein, shall constitute a charge against such steam railway and the State Highway Commission shall render a bill to such steam railway stating the amounts expended and for what purpose, and upon the failure, or refusal of such steam railway to make payment of the amount due the State, the State Highway Commission, shall forward all data and information to the Attorney General of this State, who shall immediately institute a suit in the name of the State of Alabama, as provided by law, for the recovery of the amount as reported by the State Highway Commission, as due by the steam railway for the funds to be expended in the construction of viaducts, tunnels, underpasses or bridges across the width of the right-of-way and over the tracks of such steam railway. Upon the recovery of such funds, the amount shall be paid into the State Treasury and credited to the account of the Highway Department from which such funds were withdrawn; but said Railway shall not be required to pay exceeding 50% of the cost thereof.

Section 44. (1344) MARKERS, SIGNS, ADVERTISEMENTS; HOW PLACED. The commission shall adopt regulations governing the positions for placing markers, signs, and advertising on the right of way of all State controlled highways and no signs or advertising matter shall be placed on said highways except in accordance with such regulations.

Section 45. (1345) BOARD OF ADMINISTRATION LETS CONTRACTS FOR MARKERS, ETC. The State Board of Administration is vested with the authority to let contracts for the

placing of markers and the posting of signs and advertising matter on said highways, and shall fix the compensation to be paid to the State by all persons contracting with said board for advertising space on said highways, to be paid in annual, quarterly or monthly installments as may be prescribed by said board. If any contract is made with any person for the purpose of subletting the space by such contractor, the compensation to be paid the State by such contractor shall not be less than twenty per cent of the gross income received by him. No contract for posting signs or advertising on said highways not made by the State Board of Administration shall be valid and all such contracts heretofore attempted to be made by the State Highway Department are hereby expressly declared to be void.

Section 46. (1346) PROCEEDS USED FOR MAINTENANCE OF HIGHWAYS. All proceeds received by the State from such markers, signs or advertisement contracts shall be deposited to the credit of the maintenance fund of the State Highway Department and to be drawn out of the Treasury as other highway funds are withdrawn therefrom.

ARTICLE II.

RULES OF THE ROAD

INCLUDING TRAFFIC VIOLATIONS, DUTIES OF OWNERS AND DRIVERS AND REGULATIONS AS TO SIZE, WEIGHT AND EQUIPMENT OF MOTOR VEHICLES; POWERS AND DUTIES OF LOCAL AUTHORITIES.

Section 47. DEFINITIONS. The following words and phrases when used in this article shall for the purpose of this article have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of this article, a bicycle or a ridden animal shall be deemed a vehicle.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicles as may be included within the term "tractor" as herein defined.

(d) "Truck Tractor." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to

carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(f) "Road Tractor." Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(g) "Trailer." Every vehicle without motive power designed for carrying property wholly on its own structure and for being drawn by a motor vehicle.

(h) "Semi-Trailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(i) "Pneumatic Tires." All tires inflated with compressed air.

(j) "Solid Rubber Tires." Every tire made of rubber other than pneumatic tire.

(k) "Metal Tires." All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

(l) "Person." Every natural person, firm, co-partnership, associations or corporation."

(m) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgager of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgager shall be deemed the owner for the purpose of this article.

(n) "Highway." Every way or place of whatever nature open to the use of the public, as a matter of right, for purposes of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

(o) "Private Road or Driveway." Every road or driveway not open to the use of the public for purposes of vehicular travel.

(p) "Intersection." The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway cross the other.

(q) "Safety Zone." The area or space officially set aside

within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(r) "Right of Way." The privilege of the immediate use of the highway.

(s) "Business District." The territory contiguous to a highway when fifty per cent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

(t) "Residence District." The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for residence.

(u) "Department." The State Highway Commission acting directly or through its duly authorized officers and agents.

(v) "Commissioners." The Vehicle Commissioner of this State who shall be the Commissioner of Maintenance of the State Highway Commission.

(w) "Local Authorities." Every County, municipal and other local board or body having authority to adopt police regulations under the Constitution and laws of the State.

Section 48. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS. It shall be unlawful for any person whether licensed or not who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive any vehicle upon any highway within this State; and upon conviction, shall be punished by imprisonment in the county or municipal jail for not less than thirty days nor more than one year or by fine of not less than one hundred dollars nor more than one thousand dollars or by both such fine and imprisonment. On a second or subsequent conviction he shall be punished by imprisonment at hard labor for not less than ninety days nor more than one year, and in the discretion of the court a fine of not less than two hundred dollars, nor more than one thousand dollars and the court shall prohibit the person so convicted from driving a motor vehicle upon the public highways of this State for a period of not exceeding one year.

Section 49. RECKLESS DRIVING. Any person who drives any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving and upon conviction shall be punished by imprisonment in the county or municipal jail for a period of not less than five days nor more than ninety

days or by a fine of not less than twenty-five dollars nor more than five hundred dollars or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten days nor more than six months or by a fine of not less than fifty dollars nor more than one thousand dollars, or by both such fine and imprisonment, and the court shall prohibit the person so convicted from driving a motor vehicle on the public highways of this State for a period of not exceeding six months.

Section 50. LOADING FROM RAMPS OR PLATFORMS, OR BY OTHER DEVICE.

(a) It shall be unlawful and constitute a misdemeanor, for any person to park or place any vehicle upon the public highway opposite or at, or near a ramp or any other constructed platform, or any other loading device, and take on or be loaded therefrom.

(b) It shall be unlawful and constitute a misdemeanor for any person to unload from a vehicle of any kind in whole or in part, any lumber, logs or any other article upon the highway, or within the limits of the right of way of any public highway, or place lumber or logs, or any other article at or near either limit of the road right of way which may endanger the safety of life, limb, or property of any person passing upon the highway; and any person violating any provisions of this section upon conviction shall be fined not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days, nor more than thirty days, or by both fine and imprisonment.

(c) It shall be the duty of the Commissioner to immediately remove or cause to be removed any ramp, or platform, extending upon the right of way of any public highway, and to remove or cause to be removed immediately upon notice, any obstruction found upon the roadway likely to endanger life, limb or property, and to remove or cause to be removed any obstruction found in the ditches or drains of any public highway, and shall have the authority to proceed against any person guilty of violating any provisions of this section as provided by law.

Section 51. RESTRICTIONS AS TO SPEED.

(a) Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at such speed as to endanger the life, limb or property of any person.

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified, it shall be prima facie lawful for the driver of a vehicle to

drive the same at a speed not exceeding the following, but in any case when such speed would be unsafe it shall not be lawful.

1. Fifteen miles an hour when approaching within fifty feet of a grade crossing of any steam, electric or street railway when the driver's view is obstructed, a driver's view shall be deemed obstructed when at any time during the last two hundred feet of his approach to such crossing and of any traffic on any such railway for a distance of four hundred feet in each direction from such crossing;

2. Fifteen miles an hour when passing a school during school recess or while children are going to or leaving school during opening and closing hours;

3. Fifteen miles an hour when approaching within fifty feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such approach to such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

4. Fifteen miles an hour in traversing or going around curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of one hundred feet along such highway in the direction in which he is proceeding;

5. Twenty miles an hour on any highway in a business district, as defined herein, when traffic on such highway is controlled at intersections by traffic officers or stop and go signals;

6. Fifteen miles an hour on all other highways in a business district as defined herein;

7. Twenty miles an hour in a residence district, as defined herein, and in public parks unless a different speed is fixed by local authorities and duly posted;

8. Forty-five miles an hour under all other conditions.

It shall be prima facie unlawful for any person to exceed any of the foregoing speed limitations, except as provided in subdivision (c) of this section. In every charge of violation of this section the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed which this section declares shall be prima facie lawful at the time and place of such alleged violation.

(c) Local authorities in their respective jurisdictions are hereby authorized in their discretion to increase the speed which shall be prima facie lawful upon through highways at the entrances to which vehicles are by ordinance of such local authorities required to stop before entering or crossing such through highways. Local authorities shall place and maintain upon all through highways upon which the permissible speed is increased,

adequate signs giving notice of such special regulations and shall place and maintain upon each and every highway intersecting any said through highways, appropriate stop signs which shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

(d) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this section, unless such violation is by this article or other law of this State declared to be a felony.

(e) Every person convicted of a misdemeanor for any violation of any of the provisions of this section, for which another penalty is not provided, shall upon conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment in the county or municipal jail for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars or by imprisonment in the county or municipal jail for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by fine of not more than five hundred dollars or by imprisonment in the county or municipal jail for not more than six months or by both such fine and imprisonment.

Section 52. WARNING SIGNALS AT GRADE CROSSINGS MUST BE OBEYED.

(a) The State Highway Commission is hereby authorized to designate particularly dangerous grade crossings of steam, or interurban railways by highways, and shall erect signs thereat notifying drivers of vehicles upon any such highway to come to a complete stop before crossing such railway tracks, and whenever such crossing is so designated and signposted, it shall be unlawful for the driver of any vehicle to fail to stop before traversing such crossing, and the violation hereof shall constitute a misdemeanor. Nothing contained in this Act is intended to abrogate or modify the present Alabama Doctrine of "Stop, Look and Listen," obtaining in the courts of Alabama.

(b) Whenever any person driving a vehicle approaching a highway and interurban or steam railway grade crossing, and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car, it shall be unlawful and constitute a misdemeanor for the driver of a vehicle to fail to bring the vehicle to a complete stop before traversing such grade crossing.

(c) Any person violating any provisions of this section upon conviction shall be fined not more than one hundred dollars, (\$100.00) or by imprisonment in the county or municipal jail for not more than ten days, or by both fine and imprisonment.

Section 53. SPECIAL SPEED LIMITATIONS ON BRIDGES.

(a) The State Highway Commission or other proper state body upon request from any local authorities shall, or upon its own initiative may, conduct an investigation of any public bridge, causeway or viaduct, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this article, the commission shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of one hundred feet before each end of such structure. Provided, however, that when such public bridge, causeway or viaduct is within a municipality such suitable signs stating such maximum speed shall be erected within such less distance of 100 feet before each end of such structure as the governing body of such municipality shall so ordain. The findings and determination of the commission shall be conclusive evidence of the maximum speed which can with safety to any such structure be maintained thereon.

(b) It shall be unlawful and constitute a misdemeanor to drive any vehicle upon any public bridge, causeway, or viaduct at a speed which is greater than the maximum speed which can with safety to such structure be maintained thereon, when such structure is signposted as provided in this section, and upon conviction shall be punished by a fine of not more than one hundred dollars or by imprisonment in the county or municipal jail for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars or by imprisonment in the county or municipal jail for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by fine of not more than five hundred dollars or by imprisonment at hard labor in the county or municipal jail for not more than six months or by both such fine and imprisonment.

Section 54. WHEN SPEED LIMIT NOT APPLICABLE. The speed limitations as set forth in Section 51 shall not apply to vehicles when operated with due regard for safety and under the direction of patrolmen, police or road or other officers of the law, as herein provided, in the case of apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire departments or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. The exemption shall not however protect the driver of any such vehicles or his prin-

cial from the consequences of a reckless disregard of the safety of others, as provided by law.

Section 55. DRIVE ON RIGHT SIDE OF HIGHWAYS. Upon all highways of sufficient width, except upon one way streets, the driver of a vehicle shall drive the same upon the right half of the highway and shall drive a slow moving vehicle as closely as possible to the right hand edge or curb of such highway, unless it is obstructed or impassable and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing as set forth in sections 58 and 59 of this article. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 56. KEEP TO THE RIGHT IN CROSSING INTERSECTIONS OR RAILROADS. In crossing an intersection of highways or in the intersection of a highway by a railroad right of way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassable. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 57. MEETING OF VEHICLES. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving the other at least one-half of the main traveled portion of the roadway as nearly as possible. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 58. OVERTAKING A VEHICLE.

(a) The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

(b) The driver of an overtaking motor vehicle not within a business district as herein defined shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction. Any person violating any of the provisions of this section, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 59. LIMITATIONS ON PRIVILEGE OF OVERTAKING AND PASSING.

(a) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient

distance ahead to permit such overtaking and passing to be made in safety.

(b) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.

(c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any steam or electric railway grade crossing nor at any intersection of highways unless permitted so to do by a traffic or police officer. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 60. DRIVER TO GIVE WAY TO OVERTAKING VEHICLE. The driver of a vehicle upon a highway about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and when overtaken shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided by section 75 of this article.

Section 61. FOLLOWING TOO CLOSELY.

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway.

(b) The driver of any motor truck when traveling upon a highway outside of a business or residence district shall not follow another motor truck within one hundred feet, but this shall not be construed to prevent one motor truck overtaking and passing another. Any person violating any provisions of this section, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 62. TURNING AT INTERSECTION.

(a) Except as otherwise provided in this section, the driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane of traffic nearest to the right hand side of the highway, and in turning shall keep as closely as practicable to the right hand curb or edge of the highway, and when intending to turn to the left shall approach such intersection in the lane for traffic to the right of and nearest to the center line of the highway and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left.

For the purpose of this section, the center of the intersection shall mean the meeting point of the medial lines of the highway intersecting one another.

(b) Local authorities in their respective jurisdictions may modify the foregoing method of turning at intersections or prohibit any turn thereat by clearly indicating by buttons, markers or other direction signs within an intersection the course to be followed by vehicles turning thereat, and it shall be unlawful for any driver to fail to turn in a manner as so directed when such direction signs are installed by local authorities. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 63. SIGNALS OF STARTING, STOPPING, TURNING AND BACKING.

(a) The driver of any vehicle upon a highway before starting, stopping, backing or turning from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement, shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required in this section, plainly visible to the driver of such other vehicle of the intention to make such movement.

(b) The signal herein required shall be given either by means of the hand and in the manner herein specified, or by an approved mechanical or electrical signal device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear the signal shall be given by a device of a type which has been approved by the Department.

Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to stop or turn by extending the hand and arm horizontally from beyond the left side of the vehicle. Before backing, warning should be given by sounding horn or ringing bell or by other mechanical signals. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 64. RIGHT OF WAY.

(a) When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right except as otherwise provided in section 62. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder.

(b) The driver of a vehicle approaching but not having entered an intersection shall yield the right of way to a vehicle

within such intersection and turning therein to the left across the line of travel of such first mentioned vehicle provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn as required in section 62.

(c) The driver of any vehicle upon a highway within a residence district shall yield the right of way to a pedestrian crossing such highway within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a highway within a residence district at any point other than a pedestrian crossing, cross-walk or intersection shall yield the right of way to vehicles upon the highway. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 65. EXCEPTIONS TO THE RIGHT OF WAY RULE.

(a) The driver of a vehicle entering a public highway from a private road or drive shall yield the right of way to all vehicles approaching on such public highway.

(b) The driver of a vehicle upon a highway shall yield the right of way to police and fire department vehicles when the latter are operated upon official business and the drivers thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not operate to relieve the driver of a police or fire department vehicle from the duty to drive with due regard for the safety of all persons using the highway nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right of way. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 66. WHAT TO DO ON APPROACH OF POLICE OR FIRE DEPARTMENT VEHICLES.

(a) Upon the approach of any police or fire department vehicle giving audible signal by bell, siren or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the highway, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the police or fire department vehicle shall have passed.

(b) It shall be unlawful for the driver of any vehicle other than on official business to follow any fire apparatus traveling in response to a fire alarm, closer than five hundred feet or to

drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 67. VEHICLES MUST STOP AT CERTAIN THROUGH HIGHWAYS. The State Highway Commission with reference to the State highways and local authorities with reference to highways under their jurisdictions are hereby authorized to designate main traveled or through highways by erecting at the entrances thereto from intersecting highways, signs notifying drivers of vehicles to come to a full stop before entering or crossing such designated highways, and whenever any such signs have been so erected it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto. All such signs shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights. Any person who shall fail to stop in obedience to the notice given by such signs shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 68. PASSING STREET CARS.

(a) The driver of a vehicle shall not overtake and pass upon the left of any interurban or street car proceeding in the same direction, whether actually in motion or temporarily at rest when a travelable portion of the highway exists to the right of such street car.

(b) The driver of a vehicle overtaking any railway, interurban or street car stopped or about to stop for the purpose of receiving or discharging any passenger, shall bring such vehicle to a full stop at least ten feet behind the rear door of such street car and remain stationary until any such passenger has boarded such car or reached the adjacent sidewalk, except that where a safety zone has been established, a vehicle need not be brought to a full stop before passing any such railway, interurban or street car, but may proceed past such car at a speed not greater than is reasonable or proper and in no event greater than ten miles an hour and with due caution for the safety of pedestrians. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 69. DRIVING THROUGH SAFETY ZONE PROHIBITED. The driver of a vehicle shall not at any time drive through or over a safety zone as defined in section 47 of this article. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 70. STOPPING ON HIGHWAYS.

(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of a business or residence district, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person park or leave standing any vehicle, whether attended, or unattended, upon any highway unless a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of 200 feet in each direction upon such highway.

(b) Whenever any peace officer shall find a vehicle standing upon a highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this section.

(c) The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position, provided however that this subdivision is subject to all provisions of section 97 of this article. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 71. PARKING IN FRONT OF FIRE HYDRANT, FIRE STATION OR PRIVATE DRIVEWAY. No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a highway in front of a private driveway or within fifteen feet in either direction of a fire hydrant or the entrance to a fire station, nor within twenty-five feet from the intersection of curb lines or if none, then within fifteen feet of the intersection of property lines at an intersection of highways. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 72. MOTOR VEHICLE LEFT UNATTENDED. BRAKES TO BE SET AND ENGINE STOPPED. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle and when standing upon any grade without turning the front wheels of such vehicle to the curb or side of the highway.

Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 73. DRIVING ON MOUNTAIN HIGHWAYS. The driver of a motor vehicle traversing defiles, canyons or mountain highways shall hold such motor vehicle under control and as near the right hand side of the highway as reasonably possible and upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway shall give audible warning with a horn or other warning device. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 74. COASTING PROHIBITED. The driver of a motor vehicle when traveling upon a down grade upon any highway shall not coast with the gears of such vehicle in neutral. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 75 of this article.

Section 75. PENALTIES FOR VIOLATIONS OF SECTIONS 55 to 74 INCLUSIVE AND ANY SUBDIVISION THEREOF. Any person who violates sections 55 to 74 inclusive or any part or parts thereof shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county or municipal jail for not more than ten days or by a fine of not more than one hundred dollars; for a second such conviction within one year thereafter such person shall be punished by a fine of not less than one hundred dollars, nor more than two hundred dollars or by imprisonment in the county or municipal jail for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by fine of not less than two hundred fifty dollars, nor more than five hundred dollars or by imprisonment in the county or municipal jail for not more than six months or by both such fine and imprisonment. The court shall revoke the permit of such person upon the third conviction.

Section 76. DUTY TO STOP IN EVENT OF ACCIDENT.

(a) The driver of any vehicle involved in an accident resulting in injury or death to any person or resulting in the damage to property, shall immediately stop such vehicle at the scene of such accident.

(b) The driver of any vehicle involved in an accident resulting in injury or death to any person or damage to property shall also give his name and address, and the registration license number of his vehicle and shall render to any person injured in such accident reasonable assistance, including the carrying of

such person injured to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by such injured person.

(c) Every person convicted of violating this section, relative to the duty to stop in the event of accidents shall be punished by imprisonment in the county or municipal jail for not less than thirty days nor more than one year or in the state prison for not less than one nor more than five years or by fine of not less than one hundred dollars nor more than five thousand dollars or by both such fine and imprisonment. The court shall revoke the permit or license of the person so convicted.

Section 77. (6269) LOCAL ORDINANCES PROHIBITED.

(a) Except as herein otherwise provided, local authorities shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring from any owner or chauffeur or other authorized driver to whom this article is applicable, any additional license or permit for the use of the public highways, or excluding any such owner, chauffeur or other authorized driver from the public highway, nor to pass, enforce, or maintain any ordinance, rule or regulation regulating motor vehicles or their speed contrary to the provisions of this article, nor shall any such law now in force or hereafter enacted have any effect.

(b) Local authorities shall have no power or authority to charge a license or tax upon any motor carrier hauling passengers or any motor truck hauling freight for hire, when such motor carriers in the usual course of operations enter or pass through any county, municipality or town of this State. Provided this subsection shall not restrict the right of any municipality to charge a license for the privilege of maintaining or operating a terminal station, depot or waiting room therein.

(c) Local authorities may set aside for a given time a specified public highway for speed contests or races, to be conducted under proper restrictions for the safety of the public. Local authorities may exclude motor vehicles from any cemetery or grounds used for burial of the dead.

(d) Local authorities shall have power to provide by ordinance for the regulation of traffic by means of traffic officers or semaphores or other signaling devices on any portion of the highway where traffic is heavy or continuous and may prohibit other than one way traffic upon certain highways and may regulate the use of the highways by processions or assemblages.

(e) Local authorities may also regulate or prohibit the parking of vehicles within the limits of their respective municipalities, and may also regulate the speed of vehicles in public parks and shall erect at all entrances to such parks adequate signs giving notice of any such special speed regulations

Section 79. DOES NOT INTERFERE WITH RIGHTS OF OWNERS OF REAL PROPERTY WITH REFERENCE THERETO. Nothing in this article shall be so construed as to prevent the owner of real property used in public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use nor from requiring other or different or additional conditions than those specified in this article or otherwise regulating such use as may seem best to such owner.

Section 80. SIZE AND WEIGHT OF VEHICLES AND LOADS.

(a) No vehicle shall exceed a total outside width, including any load thereon, of eight feet, except that the width of a farm tractor shall not exceed nine feet, and excepting further, that the limitations as to size of vehicles stated in this section shall not apply to implements of husbandry temporarily propelled or moved upon the highways and no vehicle shall be driven or drawn upon the highway with more than four animals abreast.

(b) No vehicle unladen or with load shall exceed a height of fourteen feet and six inches.

(c) No vehicle shall exceed a length of thirty-three feet, and no combination of vehicles coupled together shall exceed a total length of eighty-five feet.

(d) No train of vehicles or vehicle operated along the highway shall carry any load extending more than two feet beyond the front thereof.

(e) No passenger vehicle shall carry any load extending beyond the line of the fenders.

(f) No vehicle of any kind shall be driven or drawn on any highway, the load or part of load of which is allowed to drag wholly or in part upon the highway.

(g) The provisions of this section shall not apply to governmentally owned or operated vehicles.

(h) No vehicle of any kind or character shall be moved upon the highways of this state whose gross weight, weight of vehicle and load, shall exceed sixteen thousand (16,000) pounds per axle provided however that should necessity require the moving of an article which would cause the gross weight to exceed 16,000 pounds per axle, the Commissioner may grant a special permit covering the specific load, if in his judgment the road and bridges are in condition to withstand the given gross weight of the specific load and that the party or parties shall deposit to the satisfaction of the Commissioner, if in the judgment of the Commission it is necessary, an amount sufficient to indemnify the State for such damage to roads or bridges that may occur on account of the excessive weight or from other causes during the moving of the specific load under the permit so granted. Every such permit shall be issued for a single trip and may designate the route

to be traversed and contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer, and it shall be a misdemeanor for any person to violate any of the terms or conditions of such special permit and shall be punished as prescribed in subdivision (i) of this section.

(i) It shall be unlawful and constitute a misdemeanor for any person to drive or move on any highway in this State, any vehicle or vehicles of a size or the gross weight (combined weight of vehicle and load), of which exceeds the limitations stated in this section or any vehicle or vehicles which are not so constructed or equipped as required by the rules and regulations of the Commission, adopted pursuant thereto, and the maximum and the gross weight (combined weight of vehicle and load) of vehicles herein specified shall be lawful through this State, and local authorities shall have no power or authority to alter said limitations except as expressly authorized by the Commissioner, and any person violating this section, upon conviction shall be punished by imprisonment in the county or municipal jail for not less than thirty days nor more than six months or by fine of not less than one hundred dollars nor more than five hundred dollars or by both such fine and imprisonment. On a second or subsequent conviction he shall be punished by imprisonment at hard labor for not less than ninety days nor more than one year, and, in the discretion of the court, a fine of not less than two hundred dollars nor more than one thousand dollars. The court shall revoke the permit or license of the person so convicted.

Section 80½. **FLAG OR LIGHT AT END OF LOAD.** Whenever the load of any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than twelve inches both in length and width, except that between one half hour after sunset and one half hour before sunrise there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle. Any person violating this section shall be guilty of a misdemeanor and upon conviction be punished as provided in section 103 of this article.

Section 81. **PENALTY FOR USING LICENSE TAG OF IMPROPER CLASSIFICATION.** It shall be unlawful and constitute a misdemeanor for any person to drive or operate any vehicle upon the roads, or highways, of this State, unless the tag license attached to the vehicle is of the proper classification computed upon the basis of the load carried upon the vehicle as provided by law, and any person violating this provision, shall be

guilty of a misdemeanor and upon conviction shall be fined not less than twenty five dollars, nor more than one hundred dollars, or may be imprisoned in the county jail for not less than five days, nor more than thirty days, or by both fine and imprisonment.

Section 82. PEACE OFFICER MAY WEIGH VEHICLE AND REQUIRE REMOVAL OF EXCESS LOAD. Any peace officer having reason to believe that the weight of vehicle and load is unlawful is authorized to weigh the same either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales in the event such scales are within two miles. The officers may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum thereof as specified in this article.

Section 83. WHEN LOCAL AUTHORITIES MAY RESTRICT RIGHT TO USE HIGHWAYS. Local authorities may by ordinance or resolution prohibit the operation of vehicles upon any highways or impose restrictions as to the weight of vehicles, for a total period not to exceed ninety days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights reduced. Such local authorities enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby and the ordinance or resolution shall not be effective until or unless such signs are erected and maintained. Local authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs.

Section 84. RESTRICTIONS AS TO TIRE EQUIPMENT.

(a) Every motor carrier and motor vehicle shall be equipped with pneumatic tires of sufficient traction surface in accordance with the capacity of the motor vehicle or motor carrier, except as otherwise herein provided, same to be prescribed by the Highway Commission.

(b) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that

it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway and except also, that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, rain or other conditions tending to cause a vehicle to slide or skid.

(c) Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface of at least four inches and one inch thick above the edge of the flange of the entire periphery.

(d) The State Highway Commission and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

Section 85. TRAILER AND TOWED VEHICLES.

(a) No motor vehicle shall be driven upon any highway drawing or having attached thereto more than one other vehicle, except that a motor vehicle with semi-trailer may draw in addition thereto one other trailer and all such trailers or semi-trailers shall be equipped with pneumatic or solid rubber tires as herein specified.

(b) The draw bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet in length from one vehicle to the other, whenever such connection consists of a chain, rope or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than twelve inches both in length and width, and upon the rear end of each trailer there shall be displayed a red light as provided in this article.

(c) The provisions of this section shall not apply to governmentally owned or operated vehicles.

(d) No trailer of any kind shall be used for the hauling of passengers.

(e) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 86. BRAKES. Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to two, except that a motorcycle need be equipped with only one brake. All such brakes shall be maintained in good working

order and shall conform to regulations not inconsistent with this section to be promulgated by the Commissioner. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 87. HORNS AND WARNING DEVICES.

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting a sound audible under normal conditions for a distance of not less than two hundred feet. It shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any siren or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(b) Every police and fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren or exhaust whistle of a type approved by the Commissioner.

(c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 88. MIRRORS. No person shall drive a motor vehicle on a highway which motor vehicles is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position, unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of the vehicle. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 89. WINDSHIELDS MUST BE UNOBSTRUCTED. It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster or other non-transparent material upon the front windshield, side wings, side or rear windows or such motor vehicle other than a certificate or other sign required to be displayed by law. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 90. PREVENTION OF NOISE, SMOKE, ETC. MUFFLER, CUT-OUTS REGULATED.

(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual and annoying smoke.

(b) It shall be unlawful to use a muffler cut-out on any motor vehicle upon a highway.

(c) No vehicle shall be moved, or driven on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom; if by such dripping, sifting, dropping, or leaking such contents may be or become dangerous, obnoxious, or injurious either to the road or to persons or vehicles traveling or moving along, over or upon the highway.

(d) Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 91. REQUIRED LIGHTING EQUIPMENT OF VEHICLES.

(a) When vehicles must be equipped.

Every vehicle upon a highway within this State during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred feet ahead, shall be equipped with lighted front and rear lamps as in this section respectively required for different classes of vehicles and subject to exemption with reference to lights on parked vehicles as declared in section 97.

(b) Head lamps on motor vehicles.

Every motor vehicle other than a motorcycle, road-roller, road machinery, or farm tractor shall be equipped with two head lamps, no more and no less, at the front of and on opposite sides of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article and except as to acetylene lamps shall be of a type which has been approved by the Commissioner.

(c) Head Lamps on Motorcycles.

Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations set forth in this article and except as to acetylene head lamps shall be of a type which has been approved by the Commissioner.

(d) Rear lamps.

Every motor vehicle and every trailer or semi-trailer which is being drawn at the end of a train of vehicles shall carry at the rear a lamp of a type which has been approved by the commissioner and which exhibits a red light plainly visible under normal atmospheric conditions from a distance of five hundred feet to the rear of such vehicle and so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty feet to the rear of such vehicle.

(e) Clearance lamps.

Every motor vehicle, other than any road-roller, road machinery or farm tractors, having a width at any part in excess of eighty inches shall carry two clearance lamps on the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a red light visible under like conditions from a distance of 500 feet to the rear of the vehicle.

(f) Lamps on bicycles.

Every bicycle shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least three hundred feet in front of such bicycle and shall also be equipped with a reflex mirror or lamp on the rear exhibiting a red light visible under like conditions from a distance of at least two hundred feet to the rear of such bicycle.

(g) Lights on other vehicles.

All vehicles not heretofore mentioned in this section required to be equipped with specified lighted lamps shall carry one or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than 500 feet to the rear of such vehicle.

(h) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 92. ADDITIONAL PERMISSIBLE LIGHTS ON VEHICLES.

(a) Spot lamps.

Any motor vehicle may be equipped with not to exceed two spot lamps, except that a motorcycle shall not be equipped with more than one spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway nor more than 100 feet ahead of the vehicle.

(b) Auxiliary driving lamps.

Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 24 inches above the level surface of which the vehicle stands and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth.

(c) Signal lamps.

Whenever a motor vehicle is equipped with a signal lamp to comply with the provisions of section 63, the signal lamp shall be so constructed and located on the vehicles as to give a signal red in color, which shall be plainly visible in normal sunlight,

from a distance of 100 feet to the rear of the vehicle but shall not project a glaring or dazzling light and shall be of a type approved by the Commissioner.

(d) Restrictions on lamps.

Any device, other than head lamps, spot lamps or auxiliary driving lamps, which project a beam of light of any intensity greater than twenty five candle power, shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than 50 feet from the vehicle.

(e) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 93. REQUIREMENTS AS TO HEAD LAMPS AND AUXILIARY DRIVING LAMPS.

(a) The head lamps on motor vehicles shall be so constructed, arranged and adjusted that, they will at all times mentioned in section 91 and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible a person two hundred feet ahead, but shall not project a glaring or dazzling light to persons in front of such head lamps.

(b) Head lamps shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if none of the bright portion of the head lamp beams rises above a horizontal plane passing through the lamp centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches, seventy-five feet ahead of the vehicle.

(c) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 94. ACETYLENE LIGHTS. Motor vehicles may be equipped with two acetylene head lamps of approximately equal candle power when equipped with clear plane glass fronts, bright six-inches spherical mirrors and standard acetylene five-eighths feet burners no more and not less and which do not project a glaring or dazzling light into the eyes of approaching drivers. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 95. TEST AND APPROVAL OF LAMPS.

(a) It shall be unlawful for any person to sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use upon a motor vehicle upon a highway, any electric head lamp, or any auxiliary driving lamp, rear lamp or signal lamps, unless the lense thereof be of a type which has been

submitted to the Commissioner for test and for which a certificate of approval has been obtained from the Commissioner as hereinafter provided.

(b) The Commissioner is hereby authorized and required to adopt and enforce standard specifications as to the amount, color and direction of lights to be emitted by rear lamps, auxiliary driving lamps, head lamps and signal lamps for compliance with the requirements and limitations set forth in section 91, 92, and 93, and the Commissioner is authorized and required to determine whether the lense of any head lamps, auxiliary driving lamps, signal lamps and rear lamps submitted will comply with the requirements of this article and specifications adopted by the Commissioner and to approve such lense.

(c) Any person, firm or corporation desiring approval of a lense shall submit to the Commissioner two sets of each type of lense upon which approval is desired. Within 30 days the Commissioner shall, upon notice to the applicant submit such lense to the United States Bureau of Standards or to such other recognized testing laboratory as to comply with due specifications and requirements; provided, however, that in cases of dispute as to the findings of such other laboratory appeal may be made to the United States Bureau of Standards; and provided, also, that the Commissioner is authorized to refuse approval of any lense, certified as complying with the specifications and requirements, which the Commissioner determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this article.

(d) The Commissioner shall request the testing agency to submit a report of each type of lense to the Commissioner. For those which are found to comply with the specifications and requirements the report shall include any special adjustments required and the candle power rating on the bulbs for such conformance. Reports of all tests shall be accessible to the public for a copy thereof shall be furnished by the Commissioner to the applicant for a test.

(e) The Commissioner, when having reason to believe that an approved device is being sold commercially does not comply with the requirements of this article, may after 30 day's notice to the manufacturer thereof, suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this article. The Commissioner may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved lenses and if such lense upon such retest fails to meet the requirements of this article, the Commissioner may refuse to renew the certificate of approval of such lense.

(f) It shall be unlawful for any person to sell or to offer for sale either separately or as a part of the equipments of a motor vehicle any head lamp, auxiliary driving lamp, rear lamp or signal lamp equipped with a lense or lenses, approved by the Commissioner unless such lense bears thereon the trade-mark, or some name under which it is approved so as to be legible when installed and is accompanied by printed instructions as to the candlepower of bulbs to be used therewith as approved by the Commissioner and any particular methods of mounting or adjustment as to focus or aim necessary for compliance with the requirements of this article provided that this section shall not be operative until twelve months from the date of passage and approval by the governor.

(g) Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 96. ENFORCEMENT OF PROVISIONS. The driver of any motor vehicle equipped with approved lenses in the head lamps, auxiliary driving lamps, or rear lamps which are improperly equipped or adjusted or are equipped with bulbs of a candle power not approved by the Commissioner, shall be allowed 48 hours within which to bring such lamps into conformance with the requirements of this article. It shall be a defense to any such charge that the person arrested produce in court or submit to the prosecuting attorney a certificate from a reputable adjusting station or garage showing that within 48 hours after such arrest the lamps in question have been made to conform with the requirements of this article.

Section 97. LIGHTS ON PARKED VEHICLES. Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in section 91 (a) there shall be displayed upon such vehicle one or more lamps projecting a white light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle and projecting a red light visible under like conditions from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such vehicle when parked in accordance with local authorities upon a highway where there is sufficient light to reveal any person within a distance of two hundred feet upon such highway. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 98. RED OR GREEN LIGHT VISIBLE FROM IN FRONT OF VEHICLE PROHIBITED. It shall be unlawful for any person to drive or move any vehicle upon a highway with

any red or green lights thereon visible from directly in front thereof. This section shall not apply to police or fire department or fire patrol vehicles. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 99. UNIFORM MARKING OF AND ERECTION OF SIGNS ON HIGHWAYS. The State Highway Commission is hereby authorized to classify, designate and mark both interstate and intrastate highways lying within the boundaries of this State and to provide a uniform system of marking and signing such highways under the jurisdiction of this State, and such system of marking and signing shall correlate with and so far as possible conform to the system adopted in other states.

Section 100. LOCAL TRAFFIC SIGNS. Local authorities in their respective jurisdictions may cause appropriate signs to be erected and maintained, designating residence and business districts, highways and steam or interurban railway grade crossings and such other signs as may be deemed necessary to carry out the provisions of this article, and such additional signs as may be appropriate to give notice of local parking and other special regulations. Local parking and other special regulations shall not be enforceable against an alleged violator if, at the time and place of the alleged violation, an appropriate sign giving notice thereof, is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

Section 101. OTHER THAN OFFICIAL SIGNS PROHIBITED. No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light in imitation of any official sign, marker, signal or light erected under the provisions of this article, and no person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising, provided nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers or signals bearing thereon the name of an organization authorized to erect the same by the State Highway Commission or local authorities as defined in this article. Any person violating this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 103 of this article.

Section 102. INJURING SIGNS. Any person who wilfully destroys, knocks down, or removes any milestone, post, board or guideboard, set upon the road or highway, or wilfully defaces, alters, or destroys any letter or figures thereon, must, on conviction, be fined not less than ten nor more than fifty dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than thirty days.

Section 103. PENALTIES FOR MISDEMEANORS.

(a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this article unless such violation is by this article or other law of this State declared to be a felony.

(b) Every person convicted of a misdemeanor for the violation of section 80 $\frac{1}{2}$, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 97, 98, and 101, of this article for which another penalty is not provided shall upon conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment in the county or municipal jail for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not less than two hundred dollars or by imprisonment in the county or municipal jail for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not less than three hundred dollars, nor more than five hundred dollars or by imprisonment in the county or municipal jail for not more than six months or by both such fine and imprisonment.

Section 104. APPEARANCE UPON ARREST FOR MISDEMEANOR.

(a) Whenever any person is arrested for a violation of any provisions of this article punishable as a misdemeanor, the arresting officer, shall as otherwise provided in this section, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, and such person shall, if he so desire, have a right to an immediate hearing or a hearing within twenty four hours at a convenient hour and such hearing to be before a magistrate within the county or city wherein such offense was committed. Such officer shall thereupon and upon the giving by such person of a sufficient written bond, approved by the arresting officer, to appear at such time and place, forthwith release him from custody.

Any person refusing to give such bond to appear shall be taken immediately by the arresting officer before the nearest or most accessible magistrate.

Any person who wilfully violates his written bond to appear, given in accordance with this section, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

(b) The provisions of subsection (a) of this section shall not apply to any person arrested and charged with an offense causing or contributing to an accident resulting in injury or death to

any person nor to any person charged with reckless driving in excess of fifteen miles per hour within a business district or residence district or in excess of forty-five miles per hour outside of a business or residence district nor to any person charged with driving while under the influence of intoxicating liquor or narcotic drugs nor to any person whom the arresting officer shall have good cause to believe has committed any felony, and the arresting officer shall take such person forthwith before the nearest or most accessible magistrate.

(c) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and shall be subject to removal from office.

Section 105. REPORT OF CONVICTIONS TO BE SENT TO DEPARTMENT.

(a) Every justice of the peace or police judge or court in this State shall keep a full report of every case in which a person is charged with the violation of any provisions of this article, and in the event that such person is convicted or that his bail is forfeited, an abstract of such report shall be sent forthwith by the justice of the peace or police judge or court to the department but this requirement shall not be deemed to make such court a court of record.

(b) Abstracts required by this section shall be made upon forms prepared by the Department and shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, the amount of the fines or forfeitures, as the case may be, and every such abstract shall be certified by the justice of the peace, police judge or clerk of such police court as a true abstract of the record of the court.

(c) Each clerk of any court of record of this State shall also, within ten days after any final judgment of conviction of any violation of any of the provisions of this article, send to the department a certified copy of such judgment of conviction. Certified copies of the judgment shall also be forwarded to the department upon conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The said department shall keep such records in its office and they shall be open to the inspection of any person during reasonable business hours.

(d) Failure, refusal or neglect to comply with any of the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

Section 106. FINES AND FORFEITURES.

All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions

of this Article constituting a misdemeanor, shall be within thirty days after such fine, or forfeiture is collected forwarded to the State Treasurer. All amounts received from such fines or forfeitures shall be credited to the funds of the State Highway Department, for the maintenance of Roads and Bridges. Failure, refusal or neglect to comply with the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom. Provided that all fines and forfeitures collected by Recorders Courts or other municipal Courts for violation of ordinances, in cities and towns of over two thousand population according to the last or any subsequent census, whether for acts constituting violations of the provisions of this article or not, shall be paid into the Treasury of such municipality in which the same was collected.

Section 107. Uniformity of Interpretation. This Article shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of this State.

ARTICLE IV

ESTABLISHMENT, DISCONTINUANCE, WORKING AND MAINTENANCE OF PUBLIC ROADS, BRIDGES, AND FERRIES

Section 157. (1347) POWERS OF COURTS OF COUNTY COMMISSIONERS WITH REGARDS TO ROADS, BRIDGES AND FERRIES.

The courts of county commissioners, boards of revenue, or other like governing bodies of the several counties of this State have general superintendence of the public roads, bridges and ferries within their respective counties so as to render travel over the same as safe and convenient as practicable. To this end they have legislative, judicial, and executive powers, except as limited in this article. Courts of county commissioners, boards of revenue, or courts of like jurisdiction are courts of unlimited jurisdiction and powers as to the construction, maintenance and improvement of the public roads, bridges and ferries in their respective counties, except as their jurisdiction or powers may be limited by the local or special statutes of the state. They may establish, promulgate and enforce rules and regulations, make and enter into such contracts as may be necessary, or as may be deemed necessary or advisable by such courts, or boards, to build, construct, make, improve and maintain a good system of public roads, bridges and ferries in their respective counties, and regulate the use thereof; but no contract for the construction or repair of any public roads, bridge or bridges shall be made where the payment of the contract price for such work shall extend over a period of more than ten years.

Section 158. (1348) NO CONFLICT WITH LOCAL OR SPECIAL LAWS.

Nothing in this article shall be construed to authorize the courts of county commissioners, boards of revenues, or other like governing body of the several counties to establish, promulgate, or enforce any rules, regulations or laws which may be in conflict with a local or special law providing for the working, maintenance, change, discontinuance, or improvement of the public roads, bridges or ferries of such county, now in force, or which may hereafter be enacted, except in cases where the State Highway Commission has jurisdiction over such highways.

Section 159. (1349) UNLAWFUL TO VIOLATE RULES, REGULATIONS, OR LAWS OF COUNTY COMMISSIONERS AS TO ROADS.

No person shall violate any rule, regulation, or law which may be adopted or promulgated by the Court of County Commissioners, Board of Revenue, or like governing body of any county, under the authority conferred by this article, relating to the use, control, care, operation or maintenance of any such public road, bridge, or ferry, except in cases where the State Highway Commission has jurisdiction over such highways.

Section 159 1-2. PENALTY FOR VIOLATING RULES, REGULATIONS, OR LAWS, OF COUNTY COMMISSIONERS ETC. It shall be unlawful for any person, firm or corporation to violate any rule regulation or law, which has heretofore been adopted or promulgated, or which may hereafter be adopted or promulgated, by the court of County Commissioners, Board of Revenue, or like governing body of any county, under the authority conferred by law, relating to the use, control, care, operation or maintenance of the public roads bridges or ferries of said county; and any person, firm or corporation violating the same shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not more than five hundred dollars, and may also be sentenced to hard labor for the county for not more than six months. Each violation shall constitute a separate offense.

Section 160. (1350) ARTICLE DOES NOT REPEAL LOCAL LAW.

This article shall not be construed to repeal either in part or in whole any existing local or special law, except in cases where the State Highway Commission has jurisdiction over any highways.

Section 161. (1451) (5766) SURPLUS FROM GENERAL FUND OF COUNTY TRANSFERRED TO ROAD FUND.

The court of county commissioners, board of revenue, or other like governing body of any county in this state may transfer to the road fund of the county any surplus of the general funds of

the county in the county treasury, or any part of such surplus whenever, in the judgment of such court or board, it will promote the interest of the county to make such transfer. Any surplus of the general fund so transferred shall be used only for the working of the public roads or the building of bridges or otherwise improving the roads of such counties.

Section 162. (1352) (5774 et seq.) RIGHT OF EMINENT DOMAIN TO COMMISSIONER'S COURTS; APPEAL.

The boards of revenue, courts of county commissioners, or other like governing body of the several counties of the state are given the right of eminent domain for the purpose of establishing and changing public roads, bridges and ferries in their respective counties, except in cases where the State Highway Commission has jurisdiction over such highways. When an appeal is taken from any assessment in a condemnation proceeding brought by a county, such appeal shall not deprive the county obtaining the judgment of condemnation of a right of entry for any and all purposes named in the condemnation proceeding provided the amount of damages assessed shall have paid into court in money, and a bond shall have been given in not less than double the amount of damages assessed, with good and sufficient sureties to be approved by the clerk of the court to which the appeal is taken, conditioned to pay such damages as the owner of the property may sustain.

Section 163. (1353) (5777) PERSONS LIABLE TO ROAD DUTY.

All persons are liable to work on the public roads, except those exempt by the succeeding section. Three days notice in writing shall be given to the person liable for road duty by the overseer, or some authorized person, and the notice shall state the date, time, and place of meeting where such person shall report for duty, and shall be served upon such person or left at his residence, which shall constitute a legal notice.

Section 164. (1354) (5778) PERSONS EXEMPT FROM ROAD DUTY.

All women, and all men under the age of eighteen and over the age of forty-five years; all persons who have lost an arm or leg; and all persons who, by nature or disease, are rendered incapable of hard labor, who shall procure a certificate of such incapacity from the county board of health, are exempt from working on the public roads, but where there is no county board of health, the certificate of such incapacity from two reputable practicing physicians shall be sufficient. All employes of the State Highway Department, who are actually engaged in the service of the State Highway Department in the construction, maintenance, or repair of the State Highways shall be exempt from road duty of their respective counties. Provided that such em-

ployes so engaged shall present a certificate from the foreman or the person in charge of the work at that period, stating the above reason for exemption, but nothing herein shall be construed as exempting the employes of the State Highway Department, as required by law, to perform the required road duty within each annual period but to provide exemption for such person, when road duty notice is served upon him at a time when his services are especially required in an emergency, by the State Highway Department.

Section 165. (1355) EXEMPTION OF ALL PERSONS FROM ROAD DUTY IN CERTAIN COUNTIES.

In all counties in the State of Alabama whose aggregate tax values according to the complete tax assessment of the preceding year, now or hereafter, amount to as much as one hundred million dollars, all persons shall be relieved of any legal obligation to work on the public roads or to pay any penalty in default thereof.

Section 166. (1356) DOES NOT APPLY TO WORKING OF CONVICTS ON ROADS.

Nothing contained in the preceding section shall prevent or interfere with the working of county convicts on the public roads of the counties therein described.

Section 167. (1357) (5817) RIGHT TO CONSTRUCT TELEPHONE AND TELEGRAPH LINES ALONG HIGHWAY.

The right of way is granted to any person or corporation having the right to construct the telegraph or telephone lines within this state to construct them along the margin of the right of way of public highways, subject to the removal or change by the court of county commissioners, board of revenue, or other like governing body of the county, except in cases where the state highway commission has jurisdiction over such highway.

Section 168. (1358) CONTRACT EXCEEDING FIFTY DOLLARS, BOND REQUIRED OF CONTRACTOR.

Any contractor employed by the court of county commissioners, or board of revenue to construct or maintain or improve public roads, bridges, ferries, culverts, drains, buildings, etc., before entering upon the discharge of his duties, or before receiving any pay therefor, must execute bond, payable to the county and to be approved by the probate judge in an amount not less than the amount to be received by him for such work, conditioned for the faithful performance of his contract and discharge of his duties thereunder if the contract exceeds fifty dollars. Provided said bond shall be executed as specified in Article I, Section 28 of this Act.

Section 169. (1360) CONVICTS NOT WORKED WITH OTHER PERSONS; WOMEN NOT WORKED ON ROADS.

Convicts shall not be worked in squads or companies, with other persons liable to road duty upon public roads, bridges, etc., for the county. No woman convict shall be worked on the public roads.

Section 170. (1361) ADVERTISING FOR BIDS ON ROAD WORK.

No contract where the estimated cost of the work shall exceed two hundred and fifty dollars shall be made except after advertisement for thirty days in some newspaper published in the county, describing the character of the work to be done and the time and place of letting, and then only to the lowest reasonable and responsible bidder for such work, who shall enter into bond in double the amount of such bid, conditioned for the proper performance of such contract according to the plans and specifications and within the time prescribed by the order of the court or board of such work, which bond shall be approved by the judge of probate of said county. Where the estimated cost of the work exceeds twenty-five hundred dollars, advertisement as above must also be made in a daily paper published in this state, of at least five thousand daily circulation once a week for thirty days. Such court or board shall have the right to reject any or all bids.

Section 171. (1362) EXCEPTIONS IN CASE OF DESTRUCTION OF BRIDGES.

In the event of the destruction of a bridge, or damage thereto, rendering the same impassable, or in any other emergency, the county commissioners, board of revenue, or other governing body may contract for the repair or rebuilding of such bridge without advertisement, if the public good requires it, except in cases where the state highway commission has jurisdiction over such bridges.

Section 172. (1363) COMMUTATION BY PAYMENT OF MONEY.

The courts of county commissioners, boards of revenue or Courts of like jurisdiction may accept a money compensation to be fixed by them, not to exceed ten dollars per capita per annum from those liable for road duty in lieu of the labor required by law upon public roads, and provide for the time of payment of the same. Said money to go into the road fund of said county, and be appropriated exclusively for the maintenance and improvement of the public roads of such county as hereinafter provided by Section 175.

Section 173. (1364) (5779) TIME LIMIT FOR WORK ON ROAD.

No person subject to road duty under this article shall be liable to work for more than ten days in any one year. This article shall not apply in counties of more than two hundred thous-

and population, nor to counties having a population of more than eighty-two thousand and less than one hundred thousand, according to the last federal census.

Section 174. (1365) APPLICATION OF PER CAPITA OR COMMUTATION TAX.

The commissioners courts, board of revenue, or like governing bodies shall apply the per capita tax collected in lieu of labor, in the road precinct and on the road where the payer is apportioned or resides. When the State takes over any road in any county for improvement and maintenance, the provisions of the two preceding sections shall not apply as upon the road or roads so taken over by the State but all labor or funds so obtained as provided in Section 172 and Section 173 shall be directed upon the remaining precinct roads of such counties, or if there be no such roads within the precinct then such labor and money shall be employed or expended as directed by the county commissioners, board of revenue or like governing bodies.

Section 175. (1367) ROAD IN MUNICIPALITIES.

The court of county commissioners or like governing body of any county, with the consent or permission of the city council or governing body of any municipality, may establish, construct and maintain any road, street or bridge within the corporate limits of such municipality, except in cases where the state highway commission has jurisdiction over such road, street or bridge.

Section 176. (1368) WOMEN CONVICTS, HOW WORKED.

Nothing in this article shall prohibit women from working and preparing meals for road crews, composed of convicts.

Section 177. (1369) APPLICATION TO COUNTIES HAVING LOCAL LAWS.

This article shall apply to all counties now having a local law, relating or pertaining to the working and maintenance of public roads, immediately on the repeal of said local road law, except when the jurisdiction of the State Highway Commission may be in conflict therewith.

ARTICLE V.

PRIVATE ROADS, ESTABLISHMENT AND MAINTENANCE.

Section 178. (1370) (5841) ESTABLISHMENT OF PRIVATE ROADS.

Private roads may be established by the court of county commissioners or other governing body by whatever name called, on the application of any person, such roads not to exceed fifteen feet in width, and to be opened and kept in repair by the person

on whose application they are established without exemption on public roads.

Section 179. (1371) (5842-43) PROCEEDINGS SAME AS IN CASE OF PUBLIC ROADS; LOCATION OF ROADS; DAMAGES.

In establishing a private road, the same rules must be observed and the same proceedings had, as in the case of public roads; but no road must be opened through any person's yard, garden, orchard, stable, lot, ginhouse, or curtilage, without his consent; and the applicant must pay the owner of the land over which such road passes, all damages resulting thereto from the establishment of such road to be assessed as in case of public roads.

ARTICLE VI.

HIGHWAYS, ROADS, STREETS, AND BRIDGES, OFFENSES CONCERNING.

Section 180. (4447) FAILURE TO SUPPLY INFORMATION TO THE STATE HIGHWAY COMMISSION.

Any county or municipal officer who wilfully and without just excuse fails or refuses to supply any information which the law of this State requires to be furnished or supplied to the State highway commission, when requested, by the state highway commission, shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten nor more than one hundred dollars.

Section 181. (4448) HIGHWAY COMMISSIONER AND EMPLOYEES INTERESTED IN CONTRACTS MADE BY COMMISSION.

Any member of the State Highway Commission, or any other person in the employ of the state highway department, who shall be, either directly or indirectly interested in any contract of agreement for the construction or maintenance of any road or bridge in this state, or the sale of any machinery, material or anything whatever entering into the construction, repair or maintenance of the roads and bridges in this state, shall be guilty of a felony and upon conviction thereof shall be sentenced to imprisonment in the penitentiary for not less than two nor more than ten years. (Form 95).

Section 182. (4449) PENALTY AND PUNISHMENT FOR VIOLATING LAWS AND RULES OF HIGHWAY DEPARTMENT.

Any person, firm or corporation who violates any reasonable rule or regulation prescribed by the state highway department for the better construction, repair and maintenance, protection and preservation of the public roads, bridges, highways and

rights of way of roads and highways of this state, shall be guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than one nor more than five hundred dollars, and at the discretion of the judge trying the case, may also be sentenced to hard labor for the county for a term not to exceed six months, unless otherwise provided by law. (Form 94).

Section 183. (4450) FRAUD IN PREVENTING OR ATTEMPTING TO PREVENT FAIR AND OPEN COMPETITION IN BIDDING OR AWARDED CONTRACTS RELATING TO PUBLIC HIGHWAYS.

Any person who shall loan, give, or offer to loan or give, directly or indirectly, any money or any other thing of value to any member of the court, clerk, commissioners, engineer, contractor, bidder, or any other person, or any person in the employ of any of said persons, for the purpose of preventing full, free and unrestricted competition in the bidding or awarding any contract for work relating to the public highways of this state, or for the sale or purchase of highway bonds, or securing employment in any position in connection with any district connected with or relating to the highway department of this state, shall be guilty of a felony, and upon conviction thereof, shall be punished by confinement in the penitentiary for a period of not less than one nor more than five years.

Section 184. (4451) CORRUPT USE OF HIGHWAY BONDS OR MONEY ARISING FROM SALE THEREOF.

Any member of the board of commissioners of any district formed under authority of this Act, or any officer, agent or employe thereof, who corruptly uses, or disposes of in any manner, any highway bond, or money arising from the sale thereof, or any fund of such district, shall be guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for not less than one nor more than five years.

Section 185. (4452) FAILURE TO MAKE SETTLEMENTS.

Any member of the state highway commissioner of the highway department of this state, who shall fail to make settlement as required by the statutes of this state relating to the public highways shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not to exceed five hundred dollars, and in addition thereto may be sentenced to hard labor for the county for a period not to exceed sixty days.

Section 186. (5447) (7727) (5354) (4095) (4229) (3694) (148) SHOOTING ALONG OR ACROSS PUBLIC ROAD.

Any person who discharges a gun, or any other kind of firearms, along or across any public road, must, on conviction, be fined not less than ten nor more than fifty dollars.

Section 187. (5448) RUBBISH THROWN ON HIGHWAY.

Whoever puts, throws, dumps or leaves any tin can, old iron, brush, boxes, tools, machinery, vehicles, rubbish, brick, glass, glassware, glass bottles, glass jars, broken glass, broken glassware, or debris of any kind, or character whatsoever, in, upon or within the limits of any public highway, shall, on conviction, be fined in a sum not exceeding fifty dollars.

Section 188. (5450) (7729) (5384) (4118) (4248) (1360) (1175) STREETS OF TOWN OUT OF ORDER FOR MORE THAN TEN DAYS; PENALTY.

In all towns or cities incorporated under any law of this state, if the inhabitants are exempt from working on the roads within the limits thereof, and any of the streets therein are out of repair for more than ten days at any one time, without a reasonable excuse thereof, to be determined by the court, the corporate officers of such town, or any one or more of them, are guilty of a misdemeanor. (Form 106).

Section 189. (5451) (7730) (5385) (4119) (4245) (1398) (1204) FAILURE OF CORPORATION, ETC., TO KEEP ROAD OR BRIDGE IN GOOD ORDER.

If any corporation or person, authorized by any law of the State to charge toll on any turnpike, plank or macadamized road, water course, or bridge or ferry, allows the same to be out of repair or order contemplated by its charter or such law, for ten days at any one time, without a sufficient excuse, to be determined by the court, the president and directors of such corporation, or the person so authorized, are guilty of a misdemeanor; and on the trial, proof that such road, bridge, or watercourse has been out of such order for ten days at any one time, and that such corporation or person, or any course, and that such president and directors act, or claim to act in that capacity, is presumptive evidence of the existence of such corporation, of a charter or law authorizing toll to be charged, and that the persons so acting, or claiming to act, are the president and directors of such corporation.

Section 190. (5452) (7731) (5386) (4120) (1396) (1203) PERMITTING BRIDGE TO REMAIN OUT OF REPAIR.

When a bridge or causeway has been erected by contract with the county commissioners, with a guarantee by bond or otherwise, that it shall continue safe for the passage of travelers and other persons for a stipulated time, and the contractor knowingly suffers any such bridge or causeway to remain out of repair and unsafe for the passage of travelers and other persons for more than ten days at any one time, during the period stipulated for its safety by the terms of his contract, he must, on conviction, be fined for the use of the county in a sum not less than double the

value of the materials and labor necessary to put such bridge or causeway in the state of safety required by the terms of his contract.

Section 191. (5453) (773) (5388) (4122) (4249) (1361) (1176) CHANGING, OBSTRUCTING, AND INJURING PUBLIC ROADS.

To change a public road, except by order of the court of county commissioners, founded on a report of viewers appointed by the court, unless it straightens the same through inclosures, or renders it more convenient for the public; to obstruct a public road by a fence, bar, or other impediment, except by gates erected across the same by leave of the court of county commissioners, obtained as provided by law; to cut or place a tree, brush, or other obstacle across or along a public road so as to impede travel and not remove the same within six hours; wilfully to deface, injure, or destroy any mile post, index board, bridge, or causeway, or wilfully to injure or obstruct any public road in any way, is a misdemeanor. (Form 80, 80).

Section 192. (5454) (7739) (5394) (4128) FAILING TO KEEP IN REPAIR AND TO KEEP CLOSED GATES ERECTED ACROSS PUBLIC ROADS.

Any person who, having erected a gate across a public road by authority of the court of county commissioners, or board of county revenue, or by authority of any act of the legislature, or any person who succeeds such person in the ownership, control, or possession, of such gate, or in the benefits to be derived therefrom, or whose duty it is to keep the same in repair, fails for three or more days to keep such gate in good repair, or any person who leaves open such a gate, must, on conviction, be fined not more than twenty dollars.

Section 193. (5455) THROWING TACKS, NAILS, ETC., IN ROAD; PENALTY FOR.

Any person who throws, deposits, or leaves in or upon any public highway, any tacks, nails, or any other things likely to injure persons, or vehicles, passing along the highway, must, on conviction, be fined not less than twenty-five dollars nor more than fifty dollars, and may also be sentenced to hard labor for the county for not less than thirty days, nor more than sixty days.

Section 194. (5456) FAILURE TO WORK ROAD AFTER LEGAL NOTICE.

Any person liable to road duty who wilfully fails or refuses, after legal notice, to work the public roads either in person or by substitution, without a sufficient excuse therefor, must, on conviction, be fined not less than three dollars nor more than ten dollars for each day for which he is so in default and may also be

imprisoned in the county jail, or put to hard labor for the county, for not more than sixty days.

Section 195. (5457) JURISDICTION OF OFFENSE.

Any justice of the peace, or other court of like jurisdiction in the county where such offense as mentioned in the preceding section, is committed, shall have jurisdiction to try persons accused of the violation of said section.

Section 196. (5458) COUNTIES EXCEPTED FROM ROAD TAX.

No road tax shall be charged in counties of one hundred and fifty thousand population or more.

Section 197. (3329) PERSONS UNDER TWELVE YEARS OF AGE OPERATING MOTOR VEHICLES; PENALTY FOR.

Any person under the age of twelve years who shall drive or operate any motor vehicle upon the public highways of this state, shall be guilty of a misdemeanor, and shall be dealt with as provided by the juvenile laws of this state.

Section 198. (3330) OWNER OF MOTOR VEHICLE PERMITTING PERSON UNDER TWELVE YEARS OF AGE TO OPERATE SAME; PENALTY.

Any owner or person in charge of any motor vehicle, who permits any child under the age of twelve years to operate such motor vehicle upon the public highways of this state, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty five dollars, nor more than one hundred dollars, and may in the discretion of the court, also be imprisoned in the county jail or sentenced to hard labor for the county, for a period not exceeding six months; and in addition thereto his license for the current year shall be revoked.

Section 199. (6268) MINIMUM AGE OF CHAUFFEURS OR OTHER AUTHORIZED DRIVERS OF MOTOR VEHICLES.

No person, either the owner, chauffeur, or other authorized driver of any motor vehicle, shall operate any such vehicle upon the public highways of this state, who is under the age of sixteen years, unless accompanied by an adult person, and any person allowing any such vehicle to be operated by any person under the age of sixteen years unless accompanied by such adult shall be liable to a penalty not exceeding one hundred dollars, to be recovered in a civil action at the suit of any person injured or damages in consequence of the violation of this section.

Section 200. (3339) SITTING OR LOITERING IN, OR MEDDLING WITH AUTOMOBILES, PENALTY FOR.

Any person or persons, without the consent of the owner or person in charge of an automobile or other vehicle, parked or left standing at or near any church, schoolhouse, on the streets, in front of any private residence, or at any other public place

wheresoever, who shall loiter or sit in said automobile or other vehicle, or blow the horn, turn the switch, put on the lights, or in any way meddle with the ways, works, or machinery of said automobile or other vehicle, while the same is left parked or standing at said place, shall be guilty of a misdemeanor and on conviction shall be fined not less than five nor more than one hundred dollars, and may be, also, imprisoned or sentenced to hard labor for the county for not more than six months.

Section 201. (3340) COURTS MAY PROHIBIT OPERATION OF MOTOR VEHICLES BY PERSONS CONVICTED OF VIOLATION OF AUTOMOBILE LAWS.

Whenever a defendant is convicted by any court of competent jurisdiction, including recorders' courts, of operating a motor vehicle in violation of any criminal statute or ordinance, the court trying the case, at its discretion, may, in addition to the other punishment fixed by law, enter an order forbidding such person to drive a motor vehicle upon any street or highway in the state of Alabama for a period to be specified by the court, or perpetually, as the court may determine. Any person driving a motor vehicle in violation of such an order of court shall be guilty of a misdemeanor. Any defendant against whom such an order has been entered shall have the same right of appeal and super-seedeas as is now granted him with reference to the sentence of the court imposing punishment fixed by law, and the appellate court shall have the right to modify or annul the order forbidding the operation by the defendant of motor vehicles, as in the opinion of the appellate court the facts may justify or require.

ARTICLE VII.

STATE BONDS FOR CONSTRUCTING AND MAINTAINING ROADS, ISSUE AND SALE OF.

Section 202. (1377) ISSUE AND SALE OF TWENTY-FIVE MILLION DOLLARS' WORTH OF BONDS AUTHORIZED.

There is hereby authorized to be issued and sold interest-bearing negotiable state bonds in an amount not to exceed the sum of twenty-five million dollars, for the purpose of securing funds to construct, improve and maintain roads, highways, and bridges.

Section 203. (1378) BONDS EXEMPT FROM TAXATION.

Such bonds shall be exempt from all state, county and municipal taxes.

Section 204. (1379) BOND COMMISSION, WHO CONSTITUTES; COMPENSATION; MEETINGS OF.

The governor, the Alabama highway director, in Alabama, and the attorney general, are hereby constituted a bond commission with full authority to have executed, issued and sell the

bonds herein authorized. No member of the bond commission shall receive compensation in any form in the sale of these bonds. The commission shall meet at the call of the governor who is hereby constituted chairman. The Alabama highway director in Alabama shall be the secretary of said commission.

Section 205. (1380) QUORUM OF COMMISSION; RECORDS OF COMMISSION.

Two shall constitute a quorum of the bond commission for the transaction of business. All proceedings by said bond commission must be reduced to writing and recorded in a substantially bound book and true copies of such proceedings shall be certified to the treasurer by the chairman and secretary of the commission.

Section 206. (1381) DENOMINATION, NUMBERS, RATE OF INTEREST, ETC., OF BONDS.

The bonds hereby authorized shall be executed, sold and delivered on behalf of the state from to time and shall be in such denominations, numbers and series, and shall mature at such times and bear such rate of interest, not exceeding six per cent per annum, as may be deemed expedient by the bond commission. Said bonds shall not be sold for less than the par value thereof.

Section 207. (1382) SIGNATURE AND SEAL TO BONDS.

Such bonds shall be signed by the governor, state auditor, and state treasurer and shall have thereto attached attested by the secretary of state, the great seal of the State of Alabama.

Section 208. (1383) COUPONS, HOW NUMBERED AND SIGNED.

Coupons shall be numbered and signed by the state treasurer but facsimile signatures upon the interest coupon of said bonds may be lithographed in lieu of signing.

Section 209. (1384) PAYMENT FOR BONDS, FUNDS USED FOR ROAD BUILDING EXCLUSIVELY.

Payment for said bonds shall be made to the state treasurer and a record and registration of said bonds shall be kept by the state treasurer. The funds derived from the sale of such bonds shall be credited to the highway fund and be used exclusively for the construction, improvement and maintenance of the roads, highways, and bridges in Alabama as authorized by law.

Section 210. (1385) BONDS HEREUNDER ARE OBLIGATION OF STATE.

Bonds issued under this article shall be a direct obligation of the state and the full faith and credit of the state is pledged to the prompt payment of the principal and interest thereon. The bonds provided for by this article are issued under the authority of the amendment to the constitution authorizing the state to engage in the construction, improvement, repair and main-

tenance of public roads, highways, and bridges in Alabama, and authorizing the issuance and sale of interest-bearing negotiable state bonds in an amount not to exceed the sum of twenty-five million dollars.

Section 211. (1386) BONDS ENTITLED TO BENEFIT OF SINKING FUND.

Said bonds are entitled to the benefit of the sinking fund provided by said constitutional amendment.

ARTICLE VIII.

GOOD ROADS DAY.

Section 212. (1387) GOOD ROADS DAY ESTABLISHED.

August 14th and 15th in each year are fixed and established as good roads day in Alabama, the observance of which is enjoined upon public officials, all educational and other institutions, and the patriotic people of the State. In the event either of these two dates should fall on Sunday, the preceding Friday and Saturday are to be observed.

Section 213. (1388) PROCLAMATION BY GOVERNOR AND OTHER OFFICERS.

Sixty days prior to the dates named the governor shall issue a proclamation, in which he shall briefly emphasize the importance of good roads, and their value to all the interests of the state, and directing the observance of good roads day by public officials, educational and other institutions, and the people of the state. Immediately following the issuance of the proclamation by the governor, the probate judges of the several counties, and the mayors or presidents of commissions of the several cities and towns in this state shall issue a like proclamation, calling upon their respective counties, cities, or towns to join in the good roads movement, and the observance of good roads day.

Section 214. (1389) PROGRAM PUBLISHED BY HIGHWAY DEPARTMENT FOR DISTRIBUTION.

The state highway department shall annually, prepare and let, to include the governor's proclamation, good road statistics, extracts from notable addresses or papers in reference to improving highway conditions, good roads illustrations or plates, and other pertinent material.

ARTICLE IX.

MISCELLANEOUS STATUTES.

Section 215. (5547) (7822) (5553) (4149) (1680) (1383) (1191) KEEPING TOLL BRIDGE OR FERRY WITHOUT LICENSE.

Any person who keeps any ferry, toll bridge, or causeway at the bisection of a public road and a navigable stream for ferriage or toll without license must, on conviction, be fined not less than twenty nor more than one hundred dollars, or imprisoned in the county jail, or sentenced to hard labor for the county for not less than thirty days.

Section 216. (5549) (7824) (5555) (4401) (3748) (200)
ILLEGAL TOLL BY BRIDGE OR TURNPIKE COMPANIES.

Any person who, being or acting as an officer, agent, servant, or employe of any turnpike company, macadamized road company, or other incorporated road or bridge company, takes, receives, or demands any greater charge or toll for travel or passage over such road or bridge than is authorized by the charter of such company, or, if the charter does not specify the amount of toll to be charged or taken, fixes, prescribes, takes, receives, or demands any unreasonable charge or toll, to be determined by the jury, must, on conviction be fined not less than twenty five dollars, nor more than one hundred dollars.

Section 217. (5550) (7825) (5556) (4152) (1689) (1392)
 (1199) **EXCESSIVE TOLLS; PENALTY.**

Any keeper of any public ferry, toll bridge, or causeway at the bisection of a public road and a navigable stream, who demands or received from any person a higher rate of toll than is prescribed by the court of county commissioners is guilty of a misdemeanor.

Section 218. (5603) (7969) **TO PROTECT BRIDGES FROM FLOATING LOGS, ETC., BY BOND OF COUNTY.**

Any person, firm, or corporation who floats any logs, or lumber down any of the streams flowing through any county of this State over which bridges have been built or shall hereafter be built by contract with or by order of the court of county commissioners or board of revenue of such county, unless such person, firm, or corporation first execute a bond in the sum of five hundred dollars, with at least two good and sufficient sureties, or in some guaranty company doing business in Alabama, payable to the judge of probate of the county or counties through which such streams flow, conditioned as required by law for similar bonds approved by such judges of probate, and recorded and kept in their respective offices, to secure and indemnify such county or counties against loss, injury, or damage to such bridge over such streams by reason of floating logs, timber, or lumber down such streams, shall be guilty of a misdemeanor, and upon conviction thereof must be fined not less than twenty five dollars, nor more than five hundred dollars, and may be sentenced to the county jail or to hard labor for the county for not more than twelve months.

Section 219. (5607) (7972) (5621) (3886) (4418, 4420) (3737, 3738) (190, 191) INJURING WATER DAMS, BRIDGES, CANALS, ROAD GATES, ETC.

Any person who wilfully injures any mill dam, or other dam to create water power, or any embankment necessary to support such dam, or wilfully removes, injures, or destroys any lock, bank, culvert, aqueduct, or water weir of any canal, or wantonly obstructs or hinders the free use or navigation of any canal or wantonly opens any lock gate, puddle gate, culvert gate, or water gate of any canal, or wilfully injures or destroys, otherwise than by burning, any public bridge, toll bridge, causeway, turnpike gate, or other gate erected on any road by authority of law, must, on conviction, be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months; and the fine goes to injured party. (Form 42).

Section 220. (2151) (1336) ROADS; EXEMPTIONS OF INHABITANTS FROM WORKING.

The inhabitants of any municipality shall be exempt from working on the roads or highways outside the limits thereof, and may be required, for the support of the streets within such limits, to pay a street tax of not exceeding five dollars per year, which must be kept in a separate fund and used for the maintenance and construction of the streets of the municipality, and for no other purpose.

ARTICLE X.

RAILROAD TRACKS, BRIDGES, VIADUCTS, TUNNELS, ETC., PROVIDED FOR.

Section 221. (2070) (1296) MUNICIPALITIES WHICH MAY REQUIRE BRIDGES, VIADUCTS, TUNNELS, ETC., TO BE ERECTED AND MAINTAINED .

The city council, or other governing body, of each city in the State of Alabama, having according to the next preceding federal census, a population of more than thirty-five thousand, shall have full power and authority to require railroad companies to construct, and maintain, within the city limits, viaducts, bridges, and tunnels, or parts of viaducts, bridges, and tunnels, and their approaches, over, along or under the tracks, at their own expense; such bridges and their approaches, tunnels, or other conveniences at public crossings, and such viaducts, and their approaches over their tracks where the same cross or extend along public highways or streets.

Section 222. (2071) (1297) VACATION OF STREETS PROVIDED FOR.

No viaduct, bridge, or tunnel shall be constructed under this article unless said governing body shall have provided for a vacation of the street upon completion of said viaduct, bridge, or tunnel, throughout that portion thereof over, along, or under which the said public improvement is proposed to be constructed; the fee of the street, nevertheless, to remain in the city.

Section 223. (2072) (1298) ORDINANCE REQUIRING VIADUCTS, BRIDGES, TUNNELS, ETC., COSTS APPORTIONED BETWEEN RAILROAD.

Whenever any such governing body shall deem any such improvement necessary, it shall pass an ordinance requiring the construction of such improvement, describing the character and location of such proposed improvement with reasonable certainty, and stating the estimated cost thereof, and fixing a reasonable time for the construction of the same; and where a viaduct, bridge or tunnel crosses over or passes under the tracks of two or more railroad companies, and such railroad companies cannot themselves agree upon the division as between them, of the cost thereof to be borne by them, as provided in Section 221 (2070) (1296), the said governing body shall have full power and authority to apportion the cost thereof, equitably, among the different railroads owning the said tracks.

Section 224. (2073) (1299) FAILURE OF RAILROADS TO COMPLY WITH ORDINANCE REQUIRING VIADUCT, BRIDGES, TUNNELS, ETC.; PENALTY FOR SUCH FAILURE.

Any such governing body may penalize the failure of any such railroad company or of such railroad companies to construct within a reasonable time, or to maintain, any such viaduct, bridge, or tunnel ordered by a proper ordinance; such penalties to be prescribed as provided in the charter of said city for violations of police ordinances, and such penalties may be directed against said railroad company or railroad companies, or against its or their officers or agents, having supervision, charge or control of or operating the same, any or all.

Section 225. (2074) (1300) CIRCUIT COURT MAY COMPEL COMPLIANCE WITH ORDINANCE.

Such governing body may also, by bill filed in the circuit court in the county in which the city is situated, compel a compliance with any or all proper ordinances ordering the construction or maintenance of viaducts, bridges, or tunnels, passed under the authority of this article, express jurisdiction being conferred on all circuit courts of this state to that end.

Section 226. (2075) (1301) APPEAL BY RAILROAD FROM ORDER OR ORDINANCE REQUIRING BRIDGES, TUNNELS, VIADUCTS, ETC.

The railroad companies so ordered by such governing body to construct and maintain viaducts, bridges, and tunnels, shall have the right to appeal to any court having chancery, jurisdiction in the county in which the city is situated, from the order of such governing body and from any order made penalizing such railroad companies for their failure to construct and maintain such viaducts, bridges, and tunnels, on such appeal the railroad company shall give such bond as may be prescribed by said circuit court.

ARTICLE XI.

Section 227. Be it further enacted: That all laws and parts of laws in conflict with this Act shall be and the same are hereby repealed; provided that the provisions of this Act shall not repeal the public statutes of this State pertaining to the raising of revenue to be used or intended for use in the construction, repair and maintenance of public roads, highways and bridges. provided that the provisions of this Act shall not be held to repeal the provisions relating to roads included in Chapter 274 of the Code of Alabama.

Section 228. Be it further enacted: That if the provisions of this Act or the application thereof to any person or circumstances shall be held by the Supreme Court of the State to be unconstitutional, such holding shall not affect any other provision of this Act, or the application of such provision to other persons or circumstances, it being the intent and purpose hereof that each provision hereof shall stand or fall on its own merits and that the judicial annulment for unconstitutionality of any provision hereof shall have no effect upon any other provision not so annulled.

Section 229. Be it further enacted. That in lieu of any provision of this Act that shall be judicially annulled for unconstitutionality, the existing law at the time of the adoption of this Act governing that subject shall be and remain in full force and effect and shall take the place of and be substituted for the provision so annulled.

Section 230. Be it further enacted: That this Act shall, except as may otherwise be provided for certain articles contained herein, go into effect on its passage and approval by the Governor.

Approved August 23rd, 1927.

No. 348)

(H. 120. Tunstall

AN ACT

To further Regulate Primary and General Elections of Associate Justices of the Supreme Court; Justices of the Court of Appeals; Judges of the Circuit Courts and Associate Members of the Public Service Commission.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That in all primary and general elections of Associate Justices of the Supreme Court of Alabama; Justices of the Court of Appeals of Alabama, Judges of the Circuit Courts and Associate Members of the Public Service Commission wherein two or more of such justices, judges or officers are to be elected, at the same time, each of such places to be filled shall be designated by number according to the seniority in service of the existing incumbents. If there is no such seniority they shall be numbered in the alphabetical order of the names of said present incumbents.

Sec. 2. Every candidate for such office shall in the announcement of his candidacy designate the number of the office for which he is a candidate and the ballots of such election shall be numbered accordingly.

Sec. 3. This Act shall not apply to judicial circuits composed of only one county for which more than three Circuit Judges are provided.

Approved August 26, 1927.

No. 352)

(H. 1058. Graves

AN ACT

To make it unlawful to use or place, or cause to be used or placed any hoop-net, fish basket, seine, or substitute for any such devices in any of the waters of Tallapoosa, Coosa and Elmore Counties.

Be it Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, firm or corporation to use, or place or cause to be used or placed any hoop-net, fish basket, seine or substitute for any such devices in any of the waters of Tallapoosa, Coosa and Elmore Counties, and any person, firm or corporation who violates any of the provisions of this Statute shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

Section 2. This act shall go in effect upon its approval by the Governor.

Approved August 26, 1927.

No. 353.)

(H. 54. Miller of Sumter

AN ACT

To pay the town of Livingston for a school building and lot conveyed by said Town to the State for the State Normal School located at Livingston.

WHEREAS the Town of Livingston built a brick and cement school building for a public school at a cost of more than twenty thousand dollars:

AND WHEREAS it was then and now needed by the State Normal School at Livingston, and the town conveyed it to the State for said school:

AND WHEREAS the town issued its bonds to pay for said building, and said bonds, or a large amount of same are still outstanding:

AND WHEREAS said building is now and for a long time has been used for the exclusive use and benefit of the said State Normal School, and the town of Livingston has been compelled to erect another public school building for the public school children of said town, at a great expense to said town: therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated the sum of twenty thousand dollars for payment for said school building and lot so conveyed by the town of Livingston to the State of Alabama.

Section 2. Be it further enacted that the amount of twenty thousand dollars, named in the foregoing section, shall be paid out of any funds in the treasury not otherwise appropriated, and that the State Auditor be, and hereby is authorized and required to draw his warrant on the State Treasurer for the amount named in section 1 hereof, payable to the Mayor of said town of Livingston.

Approved August 30, 1927.

No. 361)

(H. 984. Norman

AN ACT

To exempt from advalorem taxation the capital stock and physical property of corporations, when said capital stock is invested in and physical property consists solely of an artesian well or wells, leased by any municipality under option agreement to purchase.

Be it Enacted by the Legislature of Alabama:

That the Capital stock and physical property of all corporations, whose entire capital stock is invested in and entire physical property consists of an artesian well or wells, and equipment pertaining thereto; which well or wells are leased to any municipi-

pality of this State, under a lease sale contract or option agreement to purchase shall, during the life of such lease sale contract or option agreement, be exempt from ad valorem taxation so long as such well or wells are operated exclusively by such town or city; and provided that this act shall apply only to corporations under contract with not more than one municipality.

Approved August 26, 1927.

No. 362)

(H. 879. Vickers

AN ACT

To increase the power and authority of Boards of Revenue and Road Commissioners, Courts of County Commissioners, Courts of like jurisdiction, and other governing bodies of counties, having a population of more than ninety-five thousand and less than three hundred thousand, according to the last or any subsequent Federal census, and the counties immediately adjoining any county having such a population, in connection with the construction and operation of bridges in such counties, and in connection with the acquisition of such bridges by such counties by leasing and the operation of same by such counties by lease or otherwise, and authorizing the expenditure of county funds for such purpose; and authorizing the governing bodies of such counties to authorize any person, firm or corporation to construct such bridges and to maintain and operate the same for a period of years, and to charge tolls for the use thereof; and authorizing and empowering the governing bodies of such counties to enter into, execute and perform contracts either alone or jointly for the operation by lease or otherwise of such bridges by such counties, as free or toll bridges, and to expend county funds in the performance of such contracts and in the maintenance and operation of such bridges, whether such bridges are wholly in one county or partly in one county and partly in another; and authorizing the expenditure of county funds for the maintenance and operation of such bridges whether the same be located wholly within such county or partly outside of the limits of such county, and in paying for liability incurred by such county on account of accidents or injuries that may arise from their operation; and authorizing the governing bodies of such counties to contract with the governing bodies of adjoining counties for the joint leasing, taking over or operation of such bridges; and authorizing such counties to enter into such contracts and operate such bridges, whether they lie in part or wholly within the limits of any incorporated municipality; and defining the word "bridges;" and ratifying and confirming all contracts heretofore made by the governing bodies of such counties, whether with each other or with private parties, for the taking over, maintenance, leasing and operation of such bridges, and all contracts and agreements heretofore made by any such county through its governing body with regard to any of the matters which this Act authorizes the governing bodies of such counties to do.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Board of Revenue and Road Commissioners, Courts of County Commissioners or like governing bodies of counties having a population of more than ninety-five

thousand and less than three hundred thousand, according to the last or any subsequent Federal census, and the counties immediately adjoining any county having a population of more than ninety-five thousand and less than three hundred thousand are hereby authorized and empowered to authorize any person, firm or corporation to construct bridges, and to maintain and operate same for such period of years as may be agreed upon between such county and such person, firm or corporation, and to charge tolls for the use thereof; and such counties, person, firm or corporation are hereby authorized and empowered to enter into, execute and perform contracts with any person, firm, association or corporation whereby such county, either alone or jointly with an adjoining county, parties to such contract, agrees to operate, or to take over by lease or otherwise the operation of, bridges constructed or to be constructed or caused to be constructed by any such person, firm, association or corporation, and are hereby further authorized and empowered to maintain and operate such bridges either as free bridges or toll bridges, and to expend county funds in pursuance of such contracts, whether for the purpose of carrying out and performing any covenants or agreements on the part of such county contained in such lease, or for the payment of the cost of maintenance and operation of such bridges, (including the cost of collection of toll), or to satisfy any liability of such county on account of or in any way growing out of accidents or injuries that may arise from the operation or maintenance of such bridges, either or both. If any such bridge is located partly in one county and partly in another county, then such contract may be entered into between any person, firm, association or corporation, so constructing or causing to be constructed such bridge and the two counties in which such bridge is located, and such contract may provide for the assumption by any one of said counties alone, of any one or more of the obligations in such contract contained, and either of such counties may contract to expend and may expend the funds of such county for the purpose of carrying out the obligations imposed upon said county under the terms of said contract, and for the payment of the cost, maintenance and operation of the whole of such bridge, even though a portion of such bridge is located outside of the limits of such county, and the funds of such county may be expended for the operation and maintenance of that portion of such bridge which is located outside the limits of such county.

Section 2. That the contracts authorized in section 1 of this act may, by their terms, provide a schedule of tolls to be charged and collected from users of the bridge, or any part thereof, during the term of the lease, and for the method of determining tolls, if any, to be charged in instances not covered by such schedule, if any, and may provide a limit of the bonded or other in-

debtedness to be incurred by the owners or lessors in the construction of such bridges, the maximum rate of interest the same shall bear, and the terms and conditions upon which such bonds or debentures shall be sold and redeemed, and may authorize the securing of such bonds, debentures, and indebtedness by first and second mortgages or deeds of trust executed by such owners or lessors upon the bridge or otherwise, and upon all the rights, lease, franchise, and property of the owners or lessors, including the owners' or lessors' interest in such contract, and upon the revenues derived and to be derived from such lease, and the operation of such bridges, and each and every part thereof, and may embody a franchise authorizing the person, firm or corporation to construct and maintain and operate such bridge or bridges for such period of years as may be agreed upon between such person, firm or corporation and such county, and may provide for an option on the part of any one or more of such counties, parties to such contract, to purchase such bridge or bridges at such time and upon such terms, if any, as may be agreed upon between the parties to such contract, and may provide generally all and singular, such terms, powers, and conditions as to the respective parties may seem reasonable and proper.

Section 3. Such counties of the state, through their respective Boards of Revenue and Road Commissioners, Courts of County Commissioners, or board or court of like jurisdiction, shall be vested with the authority herein before set out with regard to the maintenance and operation of such bridges, whether or not such bridges lie, in part or wholly, within the limits of any incorporated city, town, or municipality, and whether or not such bridges lie, in part or wholly, within one or more of such counties.

Section 4. Either one or more of such counties, party to such contract, charged with the maintenance and operation of such bridges, through its Board of Revenue and Road Commissioners or Court of County Commissioners, or other board or court of like jurisdiction, as the case may be, are hereby authorized to take over, operate, and maintain such bridges, or any part or parts thereof, at any time either after or prior to the completion of the whole of such bridge or bridges, as to them may seem satisfactory, by and with the consent of such owners or lessors of such bridges.

Section 5. That the term "bridges," as used in this act, shall be construed and held to include: (a) A bridge or bridges over navigable or other streams or waters, whether wholly within one county or partly within one and partly within another county; (b) A series of fills, embankments, trestles, bridges, causeways, and roadways, (or any one or more of such), over and across streams, shallow waters, marshes, islands, lowlands, and bays,

(or any one or more of such), which series together constitute a means of vehicular traffic from a point in one county of this state to a point in another county of this state.

Section 6. All contracts heretofore made by any county or counties of this state, through its Court of County Commissioners, Board of Revenue and Road Commissioners, or other court or board of like jurisdiction, whether with each other or with some person, firm, association, or corporation, or with each other and some person, firm, association, or corporation, for the taking over, maintenance, and operation of bridges of the kind hereinbefore specified, and within the terms hereinbefore specified, and all payments heretofore made by any county in this state on account of such contracts, maintenance or operations, and all such payments as may hereafter be made on account of pre-existing contracts or operations and maintenance, are hereby ratified and confirmed.

Section 7. If any section, clause, provision, or portion of this act shall be held to be invalid or incompetent by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this act which is not in and of itself, unconstitutional.

Section 8. The powers and authority conferred by the terms of this act shall be cumulative, and in addition to powers and authority, general or special, now or heretofore vested in the respective Courts of County Commissioners, Boards of Revenue and Road Commissioners, or courts or boards of like jurisdiction of the several counties of the State.

Section 9. This act shall go into effect immediately upon its passage, the public welfare demanding it.

Approved August 30, 1927.

No. 364)

AN ACT

(H. 852. Grove

Providing that in all counties in the State having a population of not less than eighty-five thousand and not more than two hundred and fifty thousand according to the last or any subsequent Federal census, the Clerks of all courts in such counties shall tax fifty cents as costs in all criminal cases brought in any courts of any of said counties arising within the police jurisdiction of the largest city in such county, and pay the same when collected into the "Municipal Employees Pension and Relief Fund" of the largest city in said county.

Be it Enacted by the Legislature of Alabama:

Section 1. In all counties in this state having a population of not less than eighty-five thousand and not more than two hundred and fifty thousand, according to the last or any subsequent

Federal census, the clerks of all courts in such counties shall tax the sum of fifty cents as costs in all state criminal cases brought in any court of such county arising out of acts committed within the police jurisdiction of the largest city in such county, and shall pay all such sums when collected into the "Municipal Employees Pension and Relief Fund" of the largest city in said county.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall take effect from and after the date of its approval by the Governor. Provided, however, that the provisions of this Act shall not become effective unless and until the ratification by the people of the constitutional amendment proposed by House Bill Number 55, which was approved on August 13, 1927, submitting a constitutional amendment for Mobile County so as to authorize and empower the Legislature from time to time, by general or local laws, to fix, regulate and alter the costs, charges of court, fees, etc.

Approved September 6, 1927.

No. 365.)

(H. 841. Grove

AN ACT

To create in all cities in the State of Alabama, having a population of not less than Fifty Thousand and not more than One Hundred and Fifty Thousand, according to the last or any subsequent Federal census, special funds to be known as "Municipal Employees Pension and Relief Funds;" to provide for the setting apart of such funds; to create a pension and relief system applicable to all Municipal employees in such cities; to provide for the creation of such funds and for appropriations to make up deficit therein, and how such funds shall be raised or acquired; to provide for the placement and handling of such funds; to provide who shall hear and decide applications for pensions and relief; and for the drawing of warrants against said funds; and to provide against such funds being subject to garnishment or levy and sale under execution or otherwise; to provide payments for disabled members of the various departments in said cities during their disability and for the retirement of such members on pension, either by reason of term of office or disability; to provide for the pension of an employee in said cities; to provide for the appropriation for funeral expenses upon the death of any employee; to provide for the examination by proper authorities of such members in case of sickness or disability; to provide that members receiving benefits shall be bona fide residents of the county in which the pension is paid; to provide for gifts, donations, legacies, or otherwise, to be made to such funds and for the appointment of trustees and for a Capitol Board of Pensions for all purposes in connection herewith. To provide penalty for the violations of the provisions of this Act; to provide when this Act shall take effect; and to provide that any section or provision of this Act being held unconstitutional shall not affect the validity of any other section or provision.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all cities in the State of Alabama having a population of not less than fifty thousand and not more than one hundred fifty according to the last or any subsequent Federal census, there is hereby provided for or created in connection with the regularly organized and paid departments of said cities, except the Police and Fire Departments, special funds to be known as "Municipal Employees Pension & Relief Funds" which shall exist and be maintained for the benefit of the persons hereinafter named, and shall be derived and raised in the manner hereinafter provided.

Section 2. Said fund shall be set apart by the comptrollers or other persons performing the duties of treasurers of the respective cities, into a separate fund, which shall be held and maintained by the respective cities, as is hereinafter provided.

Section 3. This Act shall and does create a pension and relief system which applies to all employees, except members of the Police and Fire Departments, in all cities in the State of Alabama having a population of not less than Fifty Thousand and not more than One Hundred Fifty Thousand, according to the last or any subsequent Federal Census, as is herein set forth; and said Municipal employees Pension and Relief Fund, as provided for and created herein shall, in addition to the means hereinafter provided, which shall not be the exclusive means, be received, obtained and created as follows: First: By the payment into such funds, by the proper authorities of the respective cities, monthly, an amount equal to one per centum of the monthly salary of every employee in the respective cities, except members of the Police and Fire Departments, which one per centum shall be held and deducted by the proper authorities from the monthly salaries of said members of such departments. Second: By that portion of the assessment that may be added as cost of court in connection with prosecutions for violation of the laws and statutes of the State of Alabama for offenses occurring within the limits of said respective cities, or the Police jurisdiction thereof. Third: Should such funds at any time, be insufficient to pay and defray the expenses as provided in this Act, the board of Commissioners or other governing bodies of the respective cities may appropriate from any funds, not otherwise appropriated, a sufficient amount to make up such deficit and may, in its budget, subsequent thereto, provide for a sufficient amount to make up such anticipated deficit in said funds.

Section 4. The board of commissioners or other governing body of the respective cities are hereby authorized and empowered to set apart for, and pay into, the said "Municipal Employees Pension and Relief Fund" not exceeding one per centum of all revenues collected and received by such cities from licenses

issued by such city, provided however, that this fourth section shall not be compulsory.

Section 5. The Comptroller or other person performing the duties of treasurer of the respective cities, shall deduct one percentum from the monthly salary of each employee of the respective cities, except members of Police & Fire Departments, which sum shall be paid into a separate fund to be paid out according to the provisions of this Act.

Section 6. Moneys may be given or donated to said fund by any person, firm, association or corporation for the uses and purposes for which said fund is created and said Board of Commissioners or other governing body of the respective cities may take by gift, grant, devise, or bequest, any money, personal property, real estate or any interest therein or any right of property for the benefit of such fund; and such gift, grant, devise, or bequest may be absolute or in fee-simple or upon condition that only the rents, income and profits arising therefrom shall be applied to the purposes for which said fund is created.

Section 7. That as to such fund so created, after same has come into being and is established, the governing bodies of the respective cities shall direct its placement with banks, so that same may draw interest upon any part not used. Said governing body is authorized to invest such part of same as is not necessarily in use, in United States Bonds, State of Alabama bonds, Municipal Bonds and County Bonds, only, and all securities, funds and moneys so created shall be maintained and kept separate and apart in such special fund set aside from other moneys and securities of the respective cities, so that the same shall, at all times be subject to instant use.

Section 8. Every employee of the respective cities including the humane officer, shall come under the provisions and benefits of this Act but no member of the board of commissioners or other governing body of the respective cities, or any recorder or recorder Pro Tem of said respective cities shall be entitled to the benefits of this Act.

Section 9. The Board of Commissioners, or other governing body of the respective cities governed by the provisions of this Act shall hear and decide all applications for pensions and relief under this Act and the decisions on such applications shall be final and conclusive and not subject to review or reversal, except by such authority itself. Said Board or governing body shall cause to be kept a complete and separate record of all its meetings and proceedings under the provisions of this Act.

Section 10. That all warrants drawn against such funds shall be signed as are other warrants signed and executed by authorized authorities of the respective cities. However, such warrants shall be different in color, or otherwise so as to dis-

tinguish them from other city warrants and shall be kept separate and apart from other warrants drawn by said city. No portion of said pension and relief funds shall, before or after its order for distribution, be seized or held or in any wise subject to garnishment or levy of execution or attachment issued out of or by any court of this State, or any other State, so far as same may be sought to respond to the payment or satisfaction of any debt, damage, demand, claim, judgment or decree against any beneficiary in such funds, but shall be exempt therefrom.

Section 11. That if any employee of the cities, governed by the provisions of this act, while in the performance of his duties, becomes and be found to be temporarily totally disabled, mentally or physically, for services for said respective cities, by reason of service therein, the Board of Commissioners, or other governing body of said city or cities shall order the payment, and there shall be paid from the proper fund herein provided for, to such disabled member, an amount equal to fifty per centum of his monthly salary, not exceeding one hundred dollars per month, during such total disability, which payment shall be made monthly and for a period not longer than one year; and such disability shall be arrived at by such authority, after report from the city physician, and such other physicians and surgeons as such authority may examine and after the consideration of any other evidence, such authority may desire to consider; this, provided such member, during the same period is paid no salary as an employee of said city.

Section 12. That if any employee of the respective cities, while in the performance of his duties, becomes or be found to be physically or mentally permanently disabled for services in his or her respective departments, by reason of service therein, so as to render his or her retirement from such services necessary, the Board of Commissioners or other governing body of the respective city governed by the provisions of this Act, shall make necessary orders and shall retire such disabled employee from service in the department in which the disability occurred; and upon such retirement, such member shall be paid monthly, from such funds, an amount equal to fifty per centum of his monthly salary, in no event to exceed one hundred dollars per month, the payments to be made during such disability. Such members may be called back and examined at any time under the orders of such authority, and may be ordered back to active service, or to perform other services in connection with the city, such as he is able to perform, according to the instructions, findings and orders of such authority referred to.

Section 13. That any employee of the respective cities, within the purview of this Act, except as herein otherwise provided, who has been in the service thereof for as long as twenty con-

secutive years and shall have attained the age of fifty-five years, upon making written application to the Board of Commissioners, or other governing body in the respective cities, therefor, shall, without medical examination or disability, be retired from the service as an employee of his or her respective city; and, upon such retirement, the said Board of Commissioners or other governing body of said respective cities, shall direct the payment to such retiring employee monthly, from such fund, a sum equal to one-half of the monthly compensation of salary received by such employee as salary in the service of employment of his or her respective city at the time of his or her retirement, but in no event shall the monthly payments exceed one hundred dollars (\$100.00).

Section 14. That any employee of the cities governed by the provisions of this Act, who has been in the service thereof for as long as Twenty-five years, the last ten years of which have been continuous and shall have attained the age of fifty-five years, upon making written application to the Board of Commissioners or other governing body of the respective city therefor, shall, without medical examination or disability, be retired from service of his or her respective city, and upon such retirement, the said board shall direct the payment of such retiring member monthly from such fund, a sum equal to one half of the monthly compensation received by such employee as salary at the time of his retirement. In computing the length of service of any employee of the cities governed by the provisions of this Act, who is an applicant for pension under the provisions of this Act, such applicant shall not be allowed credit for service unless the last ten years of same shall have been continuous and unless the other fifteen years for which such applicant seeks credit shall have been in terms of not less than five continuous years. In no event shall the monthly payments exceed one hundred dollars (\$100.00).

Section 15. That whenever an active or retiring employee of such city shall die while in the employ of such cities, there shall be appropriated and paid from the said funds a sum not less than Seventy-five nor more than One Hundred Dollars for funeral and burial expenses of such deceased employee, which sum shall be used for such funeral and burial expenses and paid out on order and direction of the head of the department in which said employee was engaged at the time of his death.

Section 16. In all matters involving the disability or sickness of such employee of such city, the Board of Commissioners, or other governing body of the respective cities, shall have such disabled member and if it sees fit, such sick member, examined by the city physician, and such other reputable physicians or surgeons as it may select, who shall report to such authority the

result of such examination or examinations in writing, and it is hereby made the duty of such city physician, when requested so to do by such authority, to make such examination and to report thereon as aforesaid. And any employee who refuses to allow such examinations as may be by such physicians, or the authority referred to in this section, deemed necessary, shall during the continuance of such refusal be debarred from receiving any benefits whatever under this Act.

Section 17. The provisions of this Act shall apply and be effective and employees of the respective cities who shall receive the benefits of this Act, shall receive such benefits, only so long as such members receiving or entitled to same shall be bona fide residents of the respective counties in which they resided at the time they were placed on the pension list, unless the Board of Commissioners, or other governing body of the respective cities shall grant permission for the person entitled to said pension to move away from the said county.

Section 18. While the creation of the fund has been specifically provided for in this Act nothing herein shall in any wise be construed or mean to prevent gifts, donations, legacies, or otherwise to be made to such funds, and trustees for the purpose of receiving same, and for the purpose of holding any property or performing any duty in connection with the pension and relief funds herein provided for and established, may, at any time, be named, designated and appointed by the governing body of the respective cities, and under such restrictions, rules and regulations as may be provided for by such governing bodies, provided no salary shall be paid to any person acting as such trustee.

Section 19. Should the pension and relief funds at any time be insufficient or inadequate to pay pensions to those properly entitled to receive same, the person or persons so entitled thereto shall not file any suit against the City, but the Board of Commissioners or other governing authority thereof, shall have absolute discretion as to what portion of the pension shall be paid and when there are several persons entitled to pensions, and the funds are insufficient to pay them in full the Board of Commissioners or other governing body thereof, may prorate the amount they have in such funds to the respective claimants. However, at no time shall the payments exceed the limits fixed in this Act.

Section 20. That in all matters involving the disability or sickness of such employee, the said board shall have such disabled member, and, if it sees fit, such sick member, examined by the city physician, or such other reputable physician or surgeon as may be selected by it, who shall report in writing to such board the result of such examination; and it is hereby made the duty of such city physician, when requested so to do by the said board, to make such examinations and to report thereon as aforesaid.

Section 21. That there shall be kept by the Secretary of the Board of City Commissioners, or other governing body of the respective city a book to be known as the list of retired employees. Such book shall also give a full and complete history and record of the action of the said board in retiring any and all persons under this Act showing the names, date of entering service in such department, periods of employment, date of retirement and the reason for such retirement, if any.

Section 22. That it shall be the duty of the City Attorney of the respective cities to give advice to the said Board of Commissioners or other governing body of the respective cities, and to the members of the Pension Board, if one is created, in all matters pertaining to the duties of the said board, and the management of such fund, whenever requested to do so, and he shall represent and defend the said board as its attorney in all suits and actions at law or in equity that may be brought against it, and during all suits and actions in its behalf that may be required or determined upon by said board; and the said board shall have the authority to employ such other counsel as it may see fit, in such matters and, to pay out of such fund, reasonable attorneys fees to such counsel as it may employ as aforesaid.

Section 23. The Board of Commissioners, or other governing body of the respective cities may create a board to carry out the provisions of this act, which board shall be known as "The Board of Pensions" and shall consist of five reputable persons who shall be bona fide residents of the same city as are the members of the Board of Commissioners or other governing body appointing them. The members of such board of pensions shall be over the age of twenty-one years, and shall hold office for six years, but may be subject to removal for good cause, at any time, by the body appointing them. Whenever a board of pensions is created under the provisions of this act said board shall have the same ministerial power as herein conferred on the Board of Commissioners or other governing body of the respective cities so appointing such board, and the duties of the persons herein named shall be the same, whether or not a board of pensions is created. However, should any suit be brought on behalf of any city under the provisions of this Act, it shall be brought in the name of the city so concerned, and not in the name of the board of pensions.

Section 24. Any employee of the respective cities, governed by this Act, may elect at any time not to come within the provisions of this Act and should he so elect not to come within the provisions hereof, no part of his salary shall be deducted for the pension and relief fund. His election must be in writing signed by him and filed with the Board of Commissioners or other governing body of the respective cities, or Board of Pen-

sions, if one is in existence. Thereafter, he shall not be allowed to come within the provisions or be entitled to the benefits, of this Act unless he first makes application to the board in charge of the pension fund or Board of Commissioners. Said persons shall not be credited for services while in the employment of the respective cities for the time during which he was not bound by the provisions of this Act.

Section 25. This Act shall apply to all persons who are now or who may hereafter be in the employment of the respective cities governed by this Act, but payment of pensions hereunder shall not commence until the first day of January, 1928.

Section 26. In case of any dispute arising out of this Act or over the provisions hereof, or the interpretation of any of the provisions of this act, the decision of the Board of Commissioners or other governing body of the respective cities shall be final. Wherever a board of pensions has been created, an appeal may be taken from the decision of the board of pensions to the board of commissioners or other governing body of the respective cities, but no further appeal shall be taken, and in no event shall any suit be filed against the board of pensions, any of its members, the board of commissioners, governing authorities of any city, or any city for the recovery of any pension or to enforce any of the provisions of this Act, and any person who files such suit shall thereby forfeit all benefits to which he may be entitled under the provisions hereof.

Section 27. That if any section or provision of this Act shall be held or declared to be unconstitutional or void it shall not effect or destroy the validity or constitutionality of any other section or provision of this Act which is not of itself void or unconstitutional.

Section 28. This Act shall in no wise affect or interfere with that Act of Legislature approved September 18th, 1923, which Act created Special Funds to be known as "Policemens and Firemens Relief Funds." which Act will be found on Page 239 and 248 both inclusive of the General Acts of the Legislature 1923, provisions of this Act being supplemental thereto.

Section 29. This Act shall take effect immediately upon its passage and approval by the Governor. "Provided, however, that this act shall never be construed nor enforced so as to authorize any municipal authorities to grant any extra compensation, fee or allowance to any public officer, servant, employee or agent after service shall have been rendered nor shall it ever be construed or enforced so as to authorize payment to any person of the salary of a deceased officer beyond the date of his death, nor shall it ever be construed or enforced so as to authorize the retirement of any officer on pay or part pay or make any grant to any retiring officer, but that all funds or monies paid

out or expended under and by virtue of this Act shall be paid for services to be performed or duties to be discharged in the future by the persons or officers to whom such payments are made. The governing body of any municipality within the provisions of this Act may, however, assign duties and impose services to be performed by the persons or officers for whose benefit this Act is intended and may make appropriations and payment to such persons or officers in consideration for the performance of such services or the discharge of such duties so imposed upon them.

Approved August 26, 1927.

No. 366.)

(H. 343. Ringer

AN ACT

To provide for the establishment of a Demonstration Farm at or near each of the State Secondary Agricultural Schools of Alabama, to provide for the necessary physical plants and equipment for such farms, to authorize and empower county boards of revenue or county commissioners or other bodies having similar jurisdiction in each county to appropriate funds for aiding in the purchase of land and equipment for said farms, to make appropriations for the maintenance of said farms and provide for their management and control.

Be it Enacted by the Legislature of Alabama:

Section 1. The State Board of Education upon recommendation of a commission composed of a successful farmer to be appointed by the Governor and who shall receive his actual expenses and per diem of Ten (\$10.00) Dollars for each day while engaged in the duties hereinafter set out, the Commissioner of Agriculture & Industries, the Director of the Extension Service and the Director of the Experiment Station of the Alabama Polytechnic Institute, and the Director of Vocational Education for the State Department of Education, is hereby authorized to establish at or near the present location of each of the State Secondary Agricultural Schools a Demonstration Farm to consist of not less than one hundred and twenty acres of cultivatable land. These demonstration farms shall be established under the following terms and conditions: (a) Three of said farms shall be established during the period of July 1, 1927, to June 30, 1928; three during the period of July 1, 1928, to June 30, 1929; three during the period of July 1, 1929, to June 30, 1930, and two during the period of July 1, 1930 to June 30, 1931. Provided, however, any one or more of schools not qualifying during the period out-lined herein may have the right of establishing such farms under the rules and regulations promulgated by the State Board of Education. (b) There shall be conveyed to the State of Ala-

bama, by warranty deed, a fee simple title to a tract of land containing not less than one hundred and twenty acres of cultivatable land for establishing such demonstration farms, as a condition precedent to the establishing of such farm. It shall be the duty of the Attorney General to ascertain and advise the State Board of Education that the State has been vested with an indefeasible fee simple title to said property, and the same must have been approved by the Commission provided in section one of this Act as suitable for a demonstration farm before the same may be accepted by the State Board of Education. The commission named in section one of this Act may authorize any school to use same after fulfilling in whole or in part the requirements for a minimum tract of one hundred and twenty acres of land, or any acreage already owned by said school, provided that it is connected with and contiguous to the tract of land necessary to bring the total acreage to the minimum requirements. The State Board of Education may, if it deems to the best interest of the school, sell all or any part of the farm property now owned by the school and use the proceeds of said sale for securing lands more suitable for the purpose of the demonstration farm.

Section 2. There is hereby appropriated from any funds in the State Treasury not otherwise appropriated Seventeen Thousand Five Hundred (\$17,500.00) Dollars to be used for the construction of the necessary dwellings, barns, outhouses, fences and other physical equipment, also for the purchase of livestock and such other supplies as may be necessary for the proper conduct of each demonstration farm, provided that not over Two Thousand Five Hundred (\$2,500.00) Dollars of said amount may be used to aid in the purchase of the necessary land for said demonstration farm. All such expenditures authorized shall be paid out under rules and regulations set up by the State Board of Education, the executive officer of which shall make requisition on the State Auditor certifying that the school or schools have met the requirements necessary; the State Auditor shall thereupon draw his warrant on the State Treasurer for the said amount of Seventeen Thousand Five Hundred (\$17,500.00) Dollars payable to the secretary-treasurer of said school on either the first day of October or January or April or July following the filing of the necessary requisition showing that the school has met all requirements.

Section 3. There is hereby appropriated annually from any funds in the State Treasury not otherwise appropriated the sum of Three Thousand Five Hundred (\$3,500.00) Dollars to each school qualifying under the provisions of this Act, to be paid quarterly in advance, to be used in paying any or all bills and expenses incurred in maintaining said demonstration farm. The said appropriation authorized for maintenance by this section

shall be drawn on requisition of the State Superintendent of Education in favor of the secretary-treasurer of each school and shall be expended together with any and all proceeds from the sale of farm products for the maintenance and development of said demonstration farm, provided that such parts of the proceeds from the sale of farm products from each demonstration farm as may be adequate and necessary may be used for aiding in giving instruction in agriculture and farm homemaking in connection with the secondary agricultural school with which the farm is connected.

Section 4. That the board of revenue or county commissioners, or other bodies having similar jurisdiction in any county in the State, or municipalities is hereby authorized and empowered to appropriate out of the general funds of the county such sum or sums as it may deem adequate and necessary to aid in purchasing the necessary land and equipping it for the demonstration farm or farms in any county, as specified in this Act. That the State Department of Education is hereby authorized and empowered to receive donations from individuals, firms, organizations, corporations and companies for forwarding the purposes of this Act, provided that any land so donated shall be conveyed to the State of Alabama in fee simple.

Section 5. The State Board of Education shall enter into a cooperative agreement with the Alabama Polytechnic Institute with the view of effectively operating the said demonstration farms, provided for in this Act. The Alabama Polytechnic Institute shall be responsible for the control, supervision and direction of said demonstration farms.

Section 6. In the event any land has been approved by the commission herein provided as suitable for a demonstration farm, or as suitable taken in connection with the other property for such demonstration farm and the owner thereof is unwilling to convey the same at a reasonable purchase price to the State of Alabama for such public use, the Governor may proceed to condemn the same for such public use as provided by Article One, of Chapter 286, of the Code of Alabama of 1923, which includes sections 7476 to 7506, both inclusive. Provided, however, that no such condemnation shall be made unless the persons who are willing to donate the purchase price of said property to the State, except that which the State is authorized to pay under this Act, have entered into an agreement which shall be prepared by the Attorney General to promptly pay all of the expenses of said proceeding and the purchase price of said property, as fixed by said condemnation proceeding, except such part of said purchase price as the State is authorized to pay under this Act and shall give bond in some bonding company authorized to do business in the State of Alabama to faithfully perform said agreement. The

agreements mentioned in this Act shall be signed by the parties agreeing to make said donation and filed with the Governor and the bond herein required shall be filed therewith and approved by the Governor.

Section 7. That the demonstration work as proposed by the spirit and purpose of this Act shall be carried out under the supervision of the Alabama Polytechnic Institute who shall make a full and complete report to the State Superintendent of Education at the end of each fiscal year. Said report shall show the character and type of work conducted, the results of the work, as well as the expenditures.

Section 8. This Act shall go into effect upon its approval and all laws or parts of laws in conflict herewith are hereby expressly repealed.

Approved August 30, 1927.

No. 371)

(H. 673. Jordan of Washington

AN ACT

To authorize the State Board of Administration of Alabama to pay out of the Insurance Fund, to the County Board of Education of Washington County, the sum of Six Thousand One Hundred Seventy-seven (\$6,177.00) Dollars and 00/100, to cover the loss sustained through the burning of the public school building at Chatom on the first day of April, 1924.

WHEREAS, the public school building then under construction at Chatom, Washington County, Alabama, was destroyed by fire on the first day of April, 1924, which was before the State Board of Administration had promulgated rules and regulations requiring county boards of education to report public school properties for insurance purposes; and, WHEREAS, the board of education of said county was therefore not responsible for the failure to report the said property for insurance; and, WHEREAS, the said county board of education of said county sustained a loss of Six Thousand, One Hundred Seventy-seven (\$6,177.00) Dollars and 00/100, through said fire; now, therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Board of Administration of Alabama be, and the same is hereby authorized and directed to pay out of the State Insurance Fund, to the County Board of Education of Washington County, the sum of Six Thousand One Hundred Seventy-seven (\$6,177.00) Dollars and 00/100 to cover the loss sustained by the destruction of the public school building at Chatom, which was burned on the first day of April, 1924, while the said building was in course of construction.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall be effective on its approval by the Governor.

Approved August 26, 1927.

No. 372)

(H. 962 Rogers of Elmore

AN ACT

For the relief of persons suffering damage caused by the breaking of the State's dam at Speigner, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Board of Administration, with the approval of the Governor, be and it is hereby empowered to adjust and settle all just claims for damages caused to farm lands and live stock by the flood waters resulting from the breaking of the State's dam at Speigner, Alabama, on or about July 29, 1927, the total amount not to exceed four thousand dollars.

Section 2. That there is hereby appropriated out of the general fund of the State, not otherwise appropriated, the sum of four thousand dollars for settlement of such claims. That when a claim has been adjusted, the Board of Administration shall, in writing, notify the Auditor of such fact, with the amount and person to whom payable, and the Auditor shall draw his warrant on the treasury for the payment of the amount named.

Section 3. All claims for such damage must be presented to the Board of Administration within sixty days from the passage of this act.

Approved August 26, 1927.

No. 373)

(H. 1042 Rogers of Mobile

AN ACT

To empower municipal corporations having a population of not less than sixty thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, to provide for, regulate, and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied and the location and use of buildings and structures, and the use of land for trade industry, residences and other purposes, and to regulate the housing or residence within such city of different classes of inhabitants.

Be it Enacted by the Legislature of Alabama:

Section 1. Grant of Power. For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative body of cities and incorporated villages having a population of not less than sixty thousand and not more than one hundred and fifty thousand inhabitants according to the last or any subsequent Federal census, is hereby empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, and the location and use of buildings, structures, and the use of land for trade, industry, residence or other purposes.

Section 2. For the promotion of the public peace, order, safety or general welfare, such municipal corporations may, within residence districts established pursuant to this Act, further regulate as to the housing or residence therein of the different classes of inhabitants, but such regulations are not hereby authorized as will discriminate in favor of or against any class of inhabitants.

Section 3. Districts. For any or all of said purposes, the governing body of said city may divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this Act; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

Section 4. Purposes In View. Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

Section 5. Method or Procedure. The legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until

after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen days notice of the time and place of such hearing shall be published in an official paper, or a paper of general circulation, in such municipality.

Section 6. Changes. Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments.

Section 7. Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this Act or of any ordinance or other regulation made under authority conferred hereby, the governing body of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 8. If any section, clause, provision or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision or portion of this Act which is not in and of itself invalid or unconstitutional.

Section 9. All laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 26, 1927.

No. 374)

(H. 1045 Vickers

AN ACT

Conferring upon all cities in this state having a population of not less than sixty thousand and not more than one hundred and fifty thousand inhabitants, according to the last or any subsequent Federal census, the same power and authority with respect to matters of sanitation in the territory outside of the corporate limits of such city, but within police jurisdiction thereof, which it has within the territory embraced within the corporate limits of such city; and authorizing such cities to construct and reconstruct systems of sanitary sewers and sewage treatment and disposal plants and outlets for such sewers and sewage systems outside of the corporate limits of such city and within the police jurisdiction of such city; and authorizing the assessment of the whole or part of the cost of such construction upon property served, benefited or increased in value, where such property lies outside the corporate limits of such city, but within the police jurisdiction of such

city; and authorizing such cities to issue bonds to pay for the cost of such construction and reconstruction.

Be it Enacted by the Legislature of Alabama:

Section 1. That this Act shall apply to any city in this state having a population of not less than sixty thousand and not more than one hundred and fifty thousand inhabitants, according to the last or any subsequent Federal census.

Section 2. Any city of the class mentioned in Section 1 hereof shall have the same power with respect to all matters of sanitation in the territory embraced in the police jurisdiction of such city, as it has in the territory located within the corporate limits of such city.

Section 3. That any city of the class mentioned in Section 1 hereof shall have the same power with reference to the construction or reconstruction of sanitary sewer systems and sewage treatment or disposal plants and the construction or reconstruction of outlets for such sewer systems within the police jurisdiction of such city as it has within the corporate limits of such city.

Section 4. Any city of the class mentioned in Section 1 hereof shall have the same power with respect to the assessment of the cost of any construction or reconstruction covered by Section 3 of this Act against the property abutting upon or served or benefited or increased in value by reason of such construction or reconstruction, where such property is located outside of the corporate limits of such city and within the police jurisdiction of such city, as it has under existing law with respect to assessments against property located within the corporate limits of such city and served, benefited or increased in value by reason of such construction or reconstruction, and shall have the same power to issue bonds or negotiable notes to pay for such construction or reconstruction, as it has under the law where such assessment is made against property located within the corporate limits of such city. All laws governing or relating to such assessments against property located within the corporate limits shall apply to such assessments made against property outside of the corporate limits and within the police jurisdiction of such city. All laws relating to the issuance of bonds to obtain money to pay for the cost of such construction or reconstruction, where the whole or any part of such cost is assessed against property located within the corporate limits of the city shall apply and govern the issuance and sale of bonds to obtain money to pay for cost of such construction or reconstruction, where such cost is assessed in whole or in part against property located outside of the corporate limits of such city and within the police jurisdiction of such city.

Section 5. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 6. If any word, sentence, clause or section of this Act should be declared unconstitutional, the remainder shall stand.

Section 7. This Act shall take effect from and after its approval by the Governor.

Approved August 26, 1927.

No. 375)

(H. 935 Jordan of Etowah)

AN ACT

To amend Section 7097, 7098, 7099, 7102, 7103, 7104, 7105, and 7108 of the Code of Alabama 1923, And Providing for the Regulation, Supervision, And Taxation of Building and Loan Associations—And to Fix Penalties for Violation of this Act.

Section 1. *Be it Enacted by the Legislature of Alabama* that Section 7097 of the Code of Alabama 1923 be amended so as to read as follows: Three or more persons residents of the State of Alabama may become a body corporate for the purpose of carrying on the business of a Building and Loan Association by filing with the Superintendent of Banks a certificate of incorporation, which shall conform with the provisions of this Act. The said Superintendent of Banks shall make, or have made, the investigation provided for in Section 7103 of the Code of Alabama of 1923 as amended, and when the Association has conformed to the laws of the State of Alabama, shall issue a certificate approving the certificate of incorporation which shall be addressed to the Probate Judge of the county in which the association is to have its principal place of business, and signed and verified by each of the incorporators. This certificate of approval shall be authority to the Probate Judge to receive the certificate of incorporation. The certificate of incorporation shall set forth: (a) The name and style under which it is proposed to incorporate such association. No name shall be assumed that is identical with that of any other association in this State or which so much resembles the name of any other such association as to be likely to lead to confusion as to its identity. (b) The amount of capital stock subscribed and the amount of cash actually paid in thereon, which shall not be less than Five Thousand Dollars (\$5000.00). (c) The names and residences of the incorporators, the amount subscribed by each and the amount of cash paid in by each subscriber, the names and addresses of the officers and directors chosen for the first year. (d) The location of its principal office and place of business in this State. (e) That the object of the association is to carry on the business of a Building

and Loan Association under the provisions of the laws of this State and that it is formed to encourage industry, thrift, frugality, home building and saving among its shareholders or members; the accumulation of savings; the loaning to its shareholders of the moneys or funds so accumulated with the profits and earnings thereon and the repayment to each of his savings and profits, whenever they have accumulated to the full par value of the shares, or at any time when he shall desire the same or when the association shall desire to repay the same, but such withdrawal shall be in accordance with the By-Laws of the Association; and shall also state that it is formed for all the purposes specified in this Act. (f) The kind or classes of shares the association purposes to issue and the par or matured value thereof which shall be \$50.00 per share. The amount of capital stock shall be unlimited. (g) The certificate may also contain any other provision which the incorporators may see fit to insert for the regulation of the business and for the conduct of the affairs of the association, provided that such provisions shall not conflict with the laws of the State of Alabama. The certificate shall have attached to it the affidavit of three of the incorporators that there has been paid to the person elected treasurer for the first year, the amount it is stated in the certificate have been paid in by the incorporators on account of their subscription as to the shares of the association.

Section 2. BE IT FURTHER ENACTED BY THE LEGISLATURE OF ALABAMA that Section 7098 of the Code of Alabama be amended so as to read as follows: (1) The Judge of Probate shall then file and record the certificate of incorporation as approved by the Superintendent of Banks, and after it has been recorded the Probate Judge shall endorse thereon his certificate of registration and shall issue to the subscribers, their associates and successors a certificate under the seal of his office, stating therein the filing and recording of such certificate of incorporation, the name and style of such corporation, the location or principal place of business thereof, and that the subscribers, their associates and successors are a body corporate; and thereafter such corporation must be deemed a duly organized Building and Loan Association as provided in this Act, but the association shall not begin business until it has received a license from the Superintendent of Banks as provided in Section 7103 of the Code of Alabama of 1923 as amended. (2) For his services the Judge of Probate shall receive fifteen cents for each one hundred words of the certificate and \$2.50 for examining this certificate. The incorporators shall pay to the Probate Judge a charter fee of Twenty Five Dollars (\$25.00) to be paid into the General Fund of the State as other Charter fees are paid, and which shall be in lieu of the charter fee provided for by Section

6969 of the Code of Alabama 1923. The certificate of incorporation after it is recorded or a certified copy thereof shall be prima facie evidence of the fact of incorporation.

Section 3. BE IT FURTHER ENACTED BY THE LEGISLATURE OF ALABAMA that Section 7099 of the Code of Alabama 1923 be amended so as to read as follows: (1) A Building and Loan Association shall have the following powers: (a) To have succession by its corporate name for the period limited in the certificate of incorporation and when no period is limited, perpetually. (b) To sue and be sued and to adopt and use a corporate seal and the same to alter at pleasure. (c) To appoint and employ such officers and agents as the business of the association shall require. (d) To make and alter at pleasure all needed by-laws, rules and regulations for the transaction of its business and the control of its property and affairs. (e) To acquire, hold, enjoy, convey and otherwise dispose of real and personal property, needed in the operation of its business; provided that no association shall do a general real estate business or buy and sell real estate for speculative or investment purposes. (f) To borrow money; to lend money to its members only; to execute negotiable notes, bonds and other evidences of indebtedness; to issue investment certificates, to receive deposits, and to enter into all other kinds of contracts appropriate to accumulating a fund for making loans; to cancel shares of stock that have matured or the payment on which have been withdrawn and to re-issue the same. Associations shall lend their funds to their members only. Such loans shall be secured by first mortgages on real estate, or ninety-nine year lease-hold interests in real estate and improvements thereon or by a pledge of the association's shares. Additional loans on the same property shall be deemed to be first mortgages for the purpose of such loans. They may take their own shares as additional security and may take other additional securities for such loans. (g) Associations may provide in their By-Laws for different rates of interest and premiums on different classes of loans and charge and collect reasonable fees and charges in connection with its loans. (2) The shares and certificates of an association shall be a legal investment for the funds of fraternal, mutual and legal reserve insurance companies, banks and such other fiduciaries as are not prohibited by the Constitution of Alabama. (3) Minors may become shareholders and investors in, and may receive the withdrawal or matured values of their shares and the interest or dividends thereon, and give valid receipts and acquittances therefor and shall enjoy the same privileges and rights as other members, including that of pledging their shares. Shares or certificates may be issued in the name of two persons and the survivor and in the event of the death of either the association shall be liable

thereon only to the survivor, and while both are living, payments to either of dividends, loans thereon, or all or part of the withdrawal value thereof, shall discharge the liability to both.

Section 4. BE IT FURTHER ENACTED BY THE LEGISLATURE OF ALABAMA that Section 7102 of the Code of Alabama of 1923 be amended so as to read as follows: The term "Building and Loan Association" under the laws of the State of Alabama shall apply to and include: All associations which issue shares to be paid for by the shareholder in installments or otherwise and which make mortgage loans or loans on their own shares to members.

Section 5. BE IT FURTHER ENACTED BY THE LEGISLATURE OF ALABAMA that Section 7103 of the Code of Alabama of 1923 be amended so as to read as follows: (1) All building and loan associations doing business in this State shall be under the supervision, regulation and inspection of the Superintendent of Banks and the Building and Loan Association Board, provided, however, that the powers of the Building and Loan Association Board and of the Superintendent of Banks shall be limited so far as they are applicable to Building and Loan Associations to those powers expressly conferred by the Laws of the State of Alabama governing Building and Loan Associations. The Superintendent of Banks shall not be an officer or director of any building and loan association, and except in the manner provided in this Act, no corporation, firm or association shall conduct or carry on the business of accumulating savings of the share holders, members investors, or loaning such accumulations to them in the manner of building and loan associations. (2) There is hereby created a Building and Loan Association Board, consisting of the Superintendent of Banks, who shall be ex-officio a member of the Board, and three persons who shall be appointed by the Governor; and the said Superintendent shall be Chairman of said board. The term of office of the three appointed members of said Board shall expire on the first day of February after the expiration of the term of office of the Governor making this appointment. If a vacancy should occur in said Board, such vacancy shall be filled by appointment by the Governor. The three appointed members of said Board shall be men of good character and experienced in the building and loan business, and connected with some building and loan association doing business as such under the Laws of the State of Alabama. No person appointed as a member of said Board shall receive any compensation for his services, except that each appointed member of such Board shall receive \$10.00 per day and traveling expenses for each day that said Board is in session, but in no event to exceed \$50.00 for each member of said Board during any one month. The compensation going to the three appointed

members of said Board shall be paid, as earned, by the Superintendent of Banks out of the funds derived from the provisions of this article. Any person or party who may be aggrieved by any act of said Superintendent may appeal for redress thereof to the said Board and the Board may take evidence and examine witnesses with respect to the propriety and justice vel non of said Act of the Superintendent complained of, and may make such findings and orders that may be necessary either to confirm or repudiate said act of the Superintendent. Full power and authority is hereby vested in said Board to review, revise and reverse or confirm any ruling or findings or orders of the superintendent, and to take evidence and examine witnesses of all parties touching such matters; provided however, that nothing in this Act shall be construed to prevent any court of competent jurisdiction by a writ of mandamus or otherwise, as provided by law, from reviewing and reversing the act of said Board of the said superintendent; and upon proceedings, the court, after full hearing of matters at issue, shall enter the proper order or decree confirming the action of said superintendent or of said Board or reversing the same. (3) Two members of the Board of Building and Loan Association, other than the superintendent of Banks, present at any one meeting, shall constitute a quorum. The superintendent shall give to each member of said Board at least three days' notice of the time and place of any meeting of said Board called. (4) Before any such association, whether organized under the laws of this state or under the laws of any other state, shall engage in business in this State, it shall have received a license so to do from the superintendent of Banks. In the case of a foreign association it shall, in addition, comply with all the other laws of this State applicable to foreign corporations. Before issuing licenses to associations to do business, or before issuing certificates of approval to a Probate Judge authorizing the incorporation of associations, the Superintendent of Banks must make an examination of the proposed organization, business and affairs of such association, its forms of contracts, or shares, the terms and method of its loans, its proposed advertising and all other matters in any way bearing on its safety as an institution which money may be invested in, and the terms upon which it lends money. If any of the practices of such association are not in conformity with any of the limitations in the laws of this State contained on the powers of association, or if its advertising is misleading, or if its name resembles that of any other association doing business in the State so that confusion would likely result therefrom, or if as a result of his examination he is satisfied that such an association cannot carry out its undertaking or if the personnel of its officers and incorporators is not such as to inspire public con-

fidence, or if he entertains reasonable doubts as to the field of service of such association he may, if so authorized by the Building and Loan Association Board, refuse to issue certificate of approval or a license. And if at any time after issuing a license he shall become satisfied that any of the practice of such association are such that he would not have issued the license in the first instance, or are fraudulent or misleading, or are unfair, unjust, inequitable, or oppressive to any class of contributors, he shall call a meeting of the Board and submit to said Board Members the matters of default or misconduct in the practices or affairs of such association, of which meeting the association shall have notice and upon which matters the association may be heard, in person or by counsel, and if said Board so directs the superintendent shall prosecute the parties responsible therefor under the criminal laws of the State of Alabama and cancel the license of such association. (5) All associations shall publish annually in some daily newspaper published in the city where such association has its principal place of business, if there be such daily paper and if not then in some other newspaper at such place a full statement of their financial affairs in a form to be provided by the Building and Loan Association Board. The Superintendent of Banks shall annually, and oftener if deemed necessary by the Board to do so, make an examination of all of the affairs of each association doing business in this State and for that purpose shall be given access to all books, documents, and other property of the association. If such access be refused he may, with the approval of the Board, revoke the license of the association so refusing. If in his opinion, any association subject to the provisions of the laws of the State of Alabama governing Building and Loan Associations, is insolvent or should he wound up the Superintendent of Banks may, with the approval of the Building and Loan Association Board file a bill in equity against such association in the county where it has its principal place of business, praying the appointment of a receiver and the associations liquidation. If the court shall find that such association is insolvent or has been guilty of fraudulent or misleading practices it shall be liquidated under the court's direction. (6) It shall be unlawful for any corporation, company, society or individual to do a building and loan business in this State unless it is in fact a building and loan association and it shall be unlawful to use in its name the term "Building and Loan" "Savings and Loan," "Building Association," "Loan and Savings," or device to hold out to the public that the institution carries on the business of a Building and Loan Association, unless it is in fact a Building and Loan Association as provided under the laws of the State of Alabama, and every such corporation using such words unlawfully as a

part of its corporate name shall be fined in any sum not exceeding twenty-five dollars for each and every day it shall so unlawfully use such words as a part of its corporate name. Each association incorporated under the laws of the State of Alabama after the approval of this Act, shall use in its corporate name the terms, "Building and Loan Association," provided that the same shall not apply to existing associations. (7) The funds of the association, in addition to being loaned on first mortgages and on its shares, may be deposited in any bank under federal or state supervision, may be invested in other building and loan associations doing business in the State of Alabama or in state or Government bonds. (8) The capital of every building and loan association shall be paid by the subscribers in the manner provided by the By-Laws of such association. All payments on installment stock shall be called dues. Certificates, passbooks or other evidence of the terms under which payments are made, shall be issued to each shareholder on the first payment of dues by him. All shares matured and surrendered or cancelled shall become the property of the corporation and may be reissued. Associations may issue shares or certificates on which the full amount is paid at the time of the issue, and shares to be paid for in weekly, monthly or other installments or by payment at such time and in such manner as may be provided in the By-Laws until such shares reach their matured value or are withdrawn. The By-Laws shall provide for the different classes of shares, the manner in which they may be withdrawn in whole or in part, the extent to which they shall share in the net earnings of the association, and the dividends, if any, to be paid thereon. (9) Members shall have the privilege of electing to be associated in classes of shares having rights and privileges of fixed and definite earnings on their contribution, and, or assuming lesser obligations and duties to or waivers in favor of other classes as each shall prefer and elect; provided however, that this Section shall not limit the right of the association to determine the class or variety of stock to be issued to any member. (10) The voting power of members shall be such as may be provided for by the By-Laws. (11) Associations shall not be liable for taxes levied on the shares of stock of other associations or corporations or on any excess of value in shares over and above the value of taxable value of the association's property. The holders of all classes of shares shall be deemed members of the association. Withdrawable sums shall not be deemed a part of the capital stock for purposes of taxation. (12) All sums paid in as dues on withdrawable shares or as deposits shall have a definite withdrawable value as may be provided in the By-Laws. (13) No person shall act as solicitor or agent for the sale of shares of stock, shares of membership, certificates or other securities or forms of invest-

ment issued by, or for the securing of loans from any association, corporation or society until he has first secured from the Superintendent of Banks a license therefor. The Superintendent of Banks, upon the request of any building and loan association doing business in this State, shall issue such license when there is filed with him a duplicate of the appointment or authorization, together with a request from such association, corporation or society, that a license be issued to him to act as an agent or solicitor for it, and accompanied by a fee of ten dollars. All such licenses shall expire by limitation on the 30th day of September succeeding their issue, but shall be renewed from time to time, for an additional term of one year upon a request therefor from the association, corporation or society originally applying, and the payment of a renewal fee of ten dollars. Any such license may be revoked at any time by the application of the association, corporation or society for whom it was issued, and may be revoked for cause by the Superintendent of Banks, if said Superintendent be so directed by the Building and Loan Association Board. The superintendent of banks shall keep an alphabetical list of the names of persons to whom such licenses are issued with the date of issue and renewal, and the name of the association, corporation or society for whom such licensee is authorized to act. All such licenses shall be issued under rules and regulations prescribed by the Building and Loan Association Board. The fees and requirements stipulated herein shall be in lieu of any other fee and requirement now provided for by law. (14) Any two or more building and loan associations may unite and become incorporate in one body, with or without any dissolution or the division of the funds of either of them, or any such corporation, association or society may transfer its engagements, funds and property as may be agreed by a unanimous vote of their respective boards of directors, provided however, that any such consolidation or transfer must also be approved by the Building and Loan Association Board. (15) Any violation of any of the provisions of this Section shall constitute a misdemeanor. Upon action brought by the Superintendent of Banks, with the approval of the Building and Loan Association Board, the Court must also issue an injunction, restraining any person, company, firm, co-partnership, or corporation from continuing to violate any provision of this Section. Municipalities may levy a license in proportion to the capital, reserve and undivided profits of the association upon the same schedule as is now provided for Banks in Section 6287 of the Code of Alabama 1923, and none other.

Section 6. BE IT FURTHER ENACTED BY THE LEGISLATURE OF ALABAMA that Section 7104 of the Code of Alabama of 1923 be amended so as to read as follows: On or before January first of each year every building and loan association

doing business in this State shall be required to pay to the Superintendent of Banks for supervision and examination (1) an annual fee of fifty dollars (2) in addition to the annual fee each association shall be required to pay an annual assessment of twenty cents per thousand or fraction thereof, on its total assets as of January 1st, each year. The Superintendent of Banks, with the approval of the Building and Loan Association Board, shall employ a competent examiner, and such clerical help as is necessary to examine and supervise such associations and shall examine each association at least once a year and as many times as may be deemed necessary by the Building and Loan Association Board, which said Board is also authorized to employ legal counsel. Any association requiring a second or more audits of its affairs in any one year shall pay to the Superintendent of Banks in addition to the above assessments, not to exceed fifteen dollars a day and traveling expenses of the examiner making such audit. All moneys collected or received from assessments, fees, or charges for such supervision shall be for the use and benefit of the Superintendent of Banks and the Building and Loan Association Board of supervision and examination of such associations, and after paying all incidental expenses, the salary of the examiner, the per diem and expenses of the members of the Building and Loan Association Board and twelve hundred dollars per annum to the Superintendent of Banks, any surplus or residue of funds derived under this act shall inure to the benefit of the Building and Loan Association Board for the purpose of proper supervision and regulation of Building and Loan Associations.

Section 7. BE IT FURTHER ENACTED BY THE LEGISLATURE OF ALABAMA that Section 7105 of the Code of Alabama of 1923 be amended so as to read as follows: Foreign Building and Loan Associations, before doing any business in this State, in addition to complying with all of the laws of this State governing building and loan associations, shall obtain a license from the Superintendent of Banks by complying with the following: (1) Such associations shall file with the Superintendent of Banks a certified copy of its charter or articles of incorporation, and by-laws showing its mode of business. (2) A detailed report of its actual condition, including assets and liabilities. (3) Pay the Superintendent of Banks one hundred dollars as a fee for filing the papers mentioned in this section, which said fees shall be used for the supervision and regulation of building and loan associations.

Section 8. BE IT FURTHER ENACTED BY THE LEGISLATURE OF ALABAMA that Section 7108 of the Code of Alabama be amended so as to read as follows: Upon the foreclosure of any mortgage to an association, there shall be credited on the

mortgage indebtedness the withdrawal value of any shares held by the association as collateral for the loan and there by the shares shall become cancelled. The sale by a member of property mortgaged to an association shall carry with it the transfer of the legal ownership of the shares which are pledged to secure the loan.

Section 9. If any clause, section, division or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, division or portion of this act which is not itself unconstitutional.

Approved August 26, 1927.

No. 376)

AN ACT

(H. 33. Waddell

To authorize the loan of money at six (6%) per cent per annum or less and to regulate such transactions; to aggregate the principal and interest at the date of the loan for the entire period of the loan and to divide the sum of the principal and interest for the entire period of the loan into monthly or other installments.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be lawful to lend money at six per cent (6%) per annum or less and to aggregate principal and interest at the date of the loan for the entire period of the loan and to divide the sum of the principal and interest for the entire period of the loan into monthly or other installments.

Section 1 1-2. Every person, firm or corporation availing himself or itself of the provisions of this Act shall first conform to and operate under and be subject to all supervisory, regulatory, inspection and taxation laws applicable to building and loan associations doing business in the State of Alabama.

Section II. This Act shall take effect immediately upon its approval by the Governor and all laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Approved September 6, 1927.

No. 378)

AN ACT

(H. 702 Goodwyn

To amend Section 6717 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama: That Section 6717 of the Code of 1923, be, and the same is hereby amended so as to read as follows: 6717. (3265) (926) (663) (666) (760) (642) Compensation to such Bailiffs. Bailiffs actually serving

in court shall receive three dollars a day for every day they serve, to be paid out of the county treasury on the certificate of the presiding judge showing that his service was necessary. In circuits composed of one county having two circuit judges, each judge of said Courts shall have the power and authority to appoint one bailiff, who shall receive a salary of \$1,800.00 per annum, payable in twelve equal monthly installments out of the treasury of the county constituting said circuit, upon warrant of the President of the Board of Revenue. In circuits composed of one county having three circuit judges, each judge shall have the power and authority to appoint one bailiff, and the sheriff of said County shall have the power and authority to appoint two additional bailiffs when ordered to do so by any of the judges of said Court, and each bailiff shall receive a salary of \$1,800.00 per annum, payable in twelve equal monthly installments out of the treasury of the county constituting said circuit, upon the warrant of the President of the Board of Revenue. The bailiffs appointed by the judges under this section shall be in lieu of bailiffs for said Courts provided for under section 6717 of the Code of Alabama. Nothing in this section or the preceding section shall apply to circuits having five or more judges.

Approved August 26, 1927.

No. 381.)

(HJR. 163. Carter

HOUSE JOINT RESOLUTION

WHEREAS, of the nine classes of Officers who served in the world war, eight classes, namely: Regular Officers of the Army, Navy and Marine Corps; Provisional Officers of the Army, Navy and Marine Corps and Emergency Officers of the Navy and Marine corps—have been granted by Congress the privilege of retirement for disability, when incurred in line of duty, leaving only the Disabled Emergency Officers of the Army without such retirement privileges, and,

WHEREAS, an overwhelming number of the members of Congress since the Armistice have promised to correct this injustice to Disabled Emergency Army officers by the Enactment of legislation designed to adjust the unfair condition imposed upon this one remaining class of officers,

BE IT RESOLVED, that the Legislature of Alabama in regular session convened, heartily endorse the demand for recognition of the equality of service of the other eight classes of officers and the Emergency Army Officers in the proposal to grant retirement privileges to the Disabled Emergency Army Officers upon

the same basis and with the same privileges as have been granted to the disabled Officers of all other classes including the disabled Emergency Officers of the Navy and Marine Corps, and,

BE IT FURTHER RESOLVED, that all members of the Seventieth Congress of the United States be and they are hereby most strongly urged to lend their most active support in securing the enactment of the so-called Tyson-Fitzgerald Bill as early as possible in the new Congress, and,

BE IT FURTHER RESOLVED That copies of this Resolution be sent to each member of the Congress of the United States from the State of Alabama.

Approved August 26, 1927.

No. 382.)

(H. 318. Ward of Tuscaloosa

AN ACT

In relation to the educational system of Alabama; to make appropriations and provide funds for the support, maintenance and development of public education in Alabama, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Alabama School of Trades and Industries, the Alabama College, the Alabama Polytechnic Institute and the University of Alabama; and to prescribe conditions of apportionment and expenditure of such funds or appropriations.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter the sum of Nine Hundred Thousand (\$900,000.00) Dollars, to be known as the Equalization Fund, which under the provisions of this Act shall be used exclusively for the equalization of educational opportunity in the public schools of the State.

Section 2. That in order to provide means for a better attendance and physical and health program there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter the sum of Eight Hundred and Fifty Thousand (\$850,000.00) Dollars to be known as the Attendance Fund, and to be expended in accordance with the provisions hereinafter set out in this Act.

Section 3. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter the sum of Eighteen Thousand, Three Hundred (\$18,-

300.00) Dollars, which shall supplement the present appropriation for rural school libraries and which shall be expended in accordance with existing law and the provisions of this Act.

Section 4. That in addition to the appropriations now authorized by statute for the support and maintenance of the institutions named in this Section there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter for each of the normal schools located at Florence, Jacksonville, Livingston and Troy the sum of Thirty-five Thousand (\$35,000.00) Dollars, and for the State Normal School for Negroes located at Montgomery, for the year beginning October 1, 1927, the sum of Twenty Thousand (\$20,000.00) Dollars, for the year beginning October 1, 1928, the sum of Forty Thousand (\$40,000.00) Dollars, and for each and every year thereafter the sum of Fifty-five Thousand (\$55,000.00) Dollars; and that for the development and maintenance of better and more equitable teacher-training conditions there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the sum of Two Hundred Thousand (\$200,000.00) Dollars to be known as the Teacher Training Equalization Fund, which shall be expended in accordance with the provisions hereinafter set out in this Act; provided that out of the Teacher Training Equalization Fund the State Normal School located at Daphne shall, in addition to the appropriation now provided by law for support and maintenance receive for the year beginning October 1, 1927, the sum of Six Thousand (\$6,000.00) Dollars, for the year beginning October 1, 1928, the sum of Sixteen Thousand (\$16,000.00) Dollars, for the year beginning October 1, 1929, the sum of Twenty-one Thousand (\$21,000.00) Dollars, for the year beginning October 1, 1930, and for each and every year thereafter, the sum of Twenty-six Thousand (\$26,000.00) Dollars. Provided further that all appropriations made in any section of this Act for Daphne State Normal School shall not be available unless the town or community of Daphne first provides at its own expense a suitable building site of suitable acreage for said State Normal School, approved by the Governor, the State Superintendent of Education and the Chairman of the State Board of Administration, at the present site or some new site nearby the present site, and in addition, the town or community of Daphne shall make adequate provision for sanitary conditions, sewage disposal facilities, light, water, and a school district with a school population adequate for practice teaching facilities as required by the standards of the American Association of Teachers' Colleges; and provided that when these conditions or provisions have been fully met by

the town or community of Daphne as determined by the judgment or opinion of the Governor, the State Superintendent of Education, and the Chairman of the State Board of Administration, the Governor shall authorize the release of the appropriations as provided in this Act for the State Normal School located at Daphne. Provided further that if the State Normal School is moved from its present site at Daphne, in accordance with the provisions of this Section, all appropriations made to the State Normal School at Daphne provided for in this Act or heretofore or hereafter provided by law for the support of the said institution shall be applied and used exclusively for the Daphne State Normal School as re-located and for the same purposes as provided for in the Acts making the appropriations. Provided further that the Thirty Thousand (\$30,000.00) Dollars raised by the town or community of Daphne and paid into the school's treasury, in pursuance of an Act adopted the 29th day of September, 1919, reported Acts 1919, page 741, is to be used and is required to be used in assisting, or aiding the town or community of Daphne, in meeting or complying with the provisions and conditions imposed upon the said town or community of Daphne by this Act before the appropriations herein made for the Daphne Normal are to be released or made available for the use of said Daphne Normal, and nothing herein shall be construed to repeal the appropriations made by said Act of September 29, 1919, the condition therein made having been fully complied with.

Section 5. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the additional sum of Ten Thousand (\$10,000.00) Dollars for the operation and maintenance of the Agricultural and Mechanical Institute for Negroes located at Normal.

Section 6. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the additional sum of One Hundred Twenty-Eight Thousand, Five Hundred (\$128,500.00) Dollars for the Rural School House Building Fund, which shall be expended in accordance with the present law and the provisions of this Act.

Section 7. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the additional sum of Thirty-seven Thousand, Five Hundred (\$37,500.00) Dollars for the Illiteracy Fund, which shall be expended in accordance with existing law and the provisions of this Act.

Section 8. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, the sum of One Hundred Thousand, Seven Hundred Six (\$100,706.00) Dollars; for the year beginning October 1, 1928, the sum of One Hundred Fifty Thousand, Seven Hundred Six (\$150,706.00) Dollars; for the year beginning October 1, 1929, the sum of One Hundred Seventy-Five Thousand, Seven Hundred Six (\$175,706.00) Dollars; for the year beginning October 1, 1930, and for each and every year thereafter, the sum of Two Hundred Thousand, Seven Hundred Six (\$200,706.00) Dollars, to be used in supplementing the funds already appropriated by Federal and State Acts for vocational Education and to be expended as authorized by present law and the provisions of this Act.

Section 9. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the sum of Four Hundred Eleven Thousand (\$411,000.00) Dollars, to be apportioned to the several counties of the State for the further support and maintenance of more nearly adequate high school facilities, and to be expended in accordance with the provisions hereinafter set out in this Act.

Section 10. That the two present annual appropriations to the Alabama School of Trades and Industries of Five Thousand (\$5,000.00) Dollars each are hereby continued; and in addition to these appropriations there is hereby appropriated out of the Treasury of the State to the State Board of Education for the further support and maintenance of the Alabama School of Trades and Industries, for the year beginning October 1, 1927, the sum of Twenty Thousand (\$20,000.00) Dollars, and thereafter there shall be an increase annually in the sum of Five Thousand (\$5,000.00) Dollars until the Aggregate Appropriations including the present annual appropriations of Ten Thousand (\$10,000.00) Dollars shall be Sixty Thousand (\$60,000.00) Dollars, which amount shall be and is hereby appropriated annually thereafter for said institution.

Section 11. That there is hereby appropriated out of the Treasury of the State to the State Board of Education for the year beginning October 1, 1927, and for each and every year thereafter, the further sum of Thirty-two Thousand, Five Hundred (\$32,500.00) Dollars, to be expended by the State Board of Education in payment of certain salaries and expenses of executive, professional, and clerical employees of the State Department of Education, including salaries, expenses and costs of supplies heretofore paid out of the appropriation called the Revolving Fund.

Section 12. That there is hereby appropriated out of the Treasury of the State for the year beginning October 1, 1927, and for each and every year thereafter, to the Alabama College, the Alabama Polytechnic Institute, and the University of Alabama an amount equal to the appropriations made and available for these institutions for the fiscal year beginning October 1, 1926, which sums accrued in accordance with an Act approved September 24, 1923, and entitled an Act to make Appropriations to the Alabama College, the University of Alabama, and the Alabama Polytechnic Institute and as set out in prior Acts, and that the monies herein appropriated shall remain the same annually to each Institution and shall be devoted by each of the said institutions to the same purposes and in the same amounts annually as provided by law; provided, however, that (1) the appropriation of Forty Thousand (\$40,000.00) Dollars made in lieu of the proceeds formerly received by the Alabama Polytechnic Institute from funds arising from the sale of fertilizer tags, which appropriations is made by Section 1911 of the Code of Alabama of 1907, and subsequent and prior Acts, and (2) the revenue heretofore received by said Institute by virtue of Section Six of Article Eighteen of the Act of 1923 known as the Agricultural Code and prior Acts, by which Acts said Institute received one-fourth of the proceeds accruing from the illuminating oil inspection fee, and (3) the revenue accruing to said Institute, by virtue of existing laws, from chemical analyses made for the Department of Agriculture and Industries, shall not be hereafter available, but shall be null and void, in the event that an Act (House Bill 725) introduced at the current session of Legislature of 1927, entitled, an Act to make appropriations to the Alabama Polytechnic Institute in lieu of certain other Appropriations and Revenues, the Benefit of which said Alabama Polytechnic Institute has heretofore received or secured is enacted into law, it being the intent of said Act to readjust the aforementioned revenues in conformity to certain proposed Amendments to the Agricultural Code. Provided that nothing in this Act shall be construed as making duplicate appropriations for any of the purposes covered by acts or by code provisions which have been previously enacted or adopted by the Legislature or by any codification of laws which may hereafter be adopted by the present Legislature. That in addition to the foregoing appropriations provided for in this Section, there is hereby appropriated out of the Treasury of the State for further support and maintenance; To the Alabama College for the year beginning October 1, 1927, the sum of One Hundred Eighty-seven Thousand, Six Hundred Twenty-three (\$187,623.77) Dollars and Seventy-seven Cents, for the year beginning October 1, 1928, the sum of One Hundred Ninety-Six Thousand, Seven Hundred Ninety (\$196,790.44) Dollars and

Forty-four Cents, for the year beginning October 1, 1929, the sum of One Hundred Ninety-eight Thousand, Six Hundred Twenty-three (\$198,623.77) Dollars and Seventy-seven Cents, for the year beginning October 1, 1930, and for each and every year thereafter the sum of Two Hundred Thousand, Four Hundred Fifty-seven (\$200,457.11) Dollars and Eleven Cents; to the Alabama Polytechnic Institute, for the year beginning October 1, 1927, the sum of Three Hundred Thirty-two Thousand, Six Hundred Five (\$332,605.78) Dollars and Seventy-eight Cents, for the year beginning October 1, 1928, the sum of Three Hundred Forty-eight Thousand, Eight Hundred Fifty-five (\$348,855.78) Dollars and seventy-eight Cents, for the year beginning October 1, 1929, the sum of Three Hundred Fifty-two Thousand, One Hundred Five (\$352,105.78) Dollars and Seventy-eight Cents, for the year beginning October 1, 1930, and for each and every year thereafter, the sum of Three Hundred Fifty-five Thousand, Three Hundred Fifty-five (\$355,355.78) Dollars and Seventy-eight Cents; to the University of Alabama, for the year beginning October 1, 1927, the sum of Three Hundred Thirty-two Thousand, Six Hundred Five (\$332,605.78) Dollars and Seventy-eight Cents, for the year beginning October 1, 1928, the sum of Three Hundred Forty-eight Thousand, Eight Hundred Fifty five (\$348,855.78) Dollars and Seventy-eight Cents, for the year beginning October 1, 1929, the sum of Three Hundred Fifty-two Thousand, one Hundred Five (\$352,105.78) Dollars and Seventy eight Cents, for the year beginning October 1, 1930, and for each and every year thereafter the sum of Three Hundred Fifty-five Thousand, Three Hundred Fifty-five (\$355,355.78) Dollars and Seventy-eight Cents; provided that of the amount of additional funds appropriated by this Act and made available for the Alabama Polytechnic Institute Twenty-Five (25%) Per Cent shall be used for Agricultural research and Agricultural extension; provided further that of the amount of additional funds appropriated by this Act and made available for the University of Alabama, Twenty-five (25%) Per Cent shall be used for medicine, extension and research.

Section 13. That there is hereby appropriated out of the State Treasury to the State Board of Education for the purpose of providing additions to grounds, buildings and equipment and for the payment of outstanding indebtedness incurred for capital outlay: For the State Normal School located at Troy, the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1928, the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars for the year beginning October 1, 1929, and the sum of One Hundred Fifty Thousand (\$150,000.00) Dollars for the year beginning October 1, 1930; for the State Normal School located at Florence the sum of One Hundred

Thousand (\$100,000.00) Dollars for the year beginning October 1, 1928, the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1929, and the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1930; for the State Normal School located at Jacksonville the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1928, the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1929, and the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1930; for the State Normal School located at Livingston the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1928, the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1929, and the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1930; for the State Normal School located at Daphne the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1928, the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1929, and the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1930; for the State Normal School located at Montgomery the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1928, the sum of Seventy-five Thousand (\$75,000.00) Dollars for the year beginning October 1, 1929, and the sum of Seventy-five Thousand (\$75,000.00) Dollars for the year beginning October 1, 1930; for the Alabama School of Trades and Industries located at Gadsden the sum of Seventy-five Thousand (\$75,000.00) Dollars for the year beginning October 1, 1928, the sum of Seventy-five Thousand (\$75,000.00) Dollars for the year beginning October 1, 1929, and the sum of One Hundred Thousand (\$100,000.00) Dollars for the year beginning October 1, 1930; for the Agricultural and Mechanical Institute for negroes located at Normal the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1928, the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1929, and the sum of Fifty Thousand (\$50,000.00) Dollars for the year beginning October 1, 1930; provided that before the funds herein to be allocated to the Normal School located at Montgomery and to the Agricultural and Mechanical Institute located at Normal shall be paid out of the State Treasury, evidence must be submitted to the State Superintendent of Education showing that additional funds are available for these institutions from other sources for the purposes set out in this Act in amounts equal to one-half of that for which requisition is made; provided further that the appropriations set out in this section shall be paid quarterly, October 1st, January 1st, April 1st, and July 1st of each year;

provided, however, that all appropriations made in this Section 13 to the State Normal School located at Troy, the State Normal School located at Florence, the State Normal School located at Jacksonville, the State Normal School located at Livingston, the State Normal School located at Daphne, the State Normal School for negroes located at Montgomery, and the agricultural and Mechanical Institute for negroes located at Normal shall not be available, but shall be void, in the event a Constitutional Amendment is submitted and ratified prior to October 1, 1928, making available funds for buildings or improvements for the above named schools or institutions.

Section 14. That there is hereby appropriated out of the Treasury of the State for the purpose of providing additions to grounds, buildings and equipment, and for the payment of outstanding indebtedness incurred for capital outlay: To the Alabama College the sum of Two Hundred Thousand (\$200,000.00) Dollars for the year beginning October 1, 1928, the sum of Two Hundred Thousand (\$200,000.00) Dollars for the year beginning October 1, 1929 and the sum of Two Hundred Thousand (\$200,000.00) Dollars for the year beginning October 1, 1930; to the Alabama Polytechnic Institute the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1928, the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1929, and the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1930; to the University of Alabama the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1928, the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the year beginning October 1, 1929, and the sum of Two Hundred Fifty Thousand (\$250,000.00) Dollars for the beginning October 1, 1930; provided that the appropriations set out in this Section shall be paid quarterly, October 1st, January 1st, April 1st, and July 1st of each year upon requisition of the proper official of each institution upon the Auditor who shall draw his warrant therefor; provided however, that all appropriations made in this Section 14 to the Alabama College, the Alabama Polytechnic Institute and the University of Alabama shall not be available, but shall be void, in the event a Constitutional Amendment is submitted and ratified prior to October 1, 1928, making available funds for buildings or improvements for the above named schools or institutions.

Section 14 1-2. That the sums appropriated by Sections 13 and 14 of this Act shall be payable in whole or in part, from time to time, on the approval of the Governor, as in his opinion the condition of the Treasury may warrant; provided that when any such sums are approved for payment by the Governor the same

shall be prorated among the several purposes or institutions and be made payable to each purpose or institution for which appropriation is made in said sections in proportion to the amount appropriated to each such purpose or institution in said sections; provided further that the balances or all of the appropriations made by said sections, which are not approved for payment by the Governor during the year for which the provisions of said sections make them available, may be approved for payment by the Governor during any subsequent year; and provided further that all or any part of the appropriations made in said sections which remain unpaid at the end of the period for which they are made shall be and are hereby continued in full force and effect until paid in full in the manner provided in this section.

Section 15. That in addition to all other appropriations and apportionments of public school money now provided by law and made available for elementary and secondary education, there shall be apportioned and paid to counties from the Equalization Fund provided for in Section 1 of this Act, the amounts to be determined by the State Board of Education as hereinafter provided. In order for the public schools of a county to share in the apportionment of the Equalization Fund it shall meet the following conditions:

1. The county shall for the year for which aid is desired be levying and collecting the constitutional one-mill county school tax, the Constitutional three-mill county school tax and the Constitutional three-mill district school tax in the several districts covering the whole county; provided that in case any district or districts in a county levying both the one-mill and three-mill county taxes fail to levy the three-mill district tax, the State Board of Education shall deduct from such county equalization apportionment an amount equivalent to that which the district or districts have failed to levy.
2. In the expenditure of all available public school funds the county shall as nearly as practicable be providing the same length of term in all schools.
3. Beginning October 1, 1928, the county shall have provided for the preceding year a school term of at least 140 school days; provided that in case any district or districts are not levying and collecting the three-mill district tax, the county board of education shall not be required to maintain in such district or districts the minimum term of 140 days.
4. Beginning October 1, 1928, the county shall have expended for the preceding year funds allotted to teachers' salaries in accordance with a salary schedule or schedules to be adopted by the State Board of Education. The minimum salary schedule or schedules adopted for this purpose by the State Board of Education from time to time shall give due consideration to academic and professional preparation of teachers and to length of service rendered.
5. Beginning October

1, 1928, the amount expended for teachers' salaries in the preceding year shall be at least seventy-five per cent of all current expenses. Upon approval of the State Board of Education expenditures for transportation or any part thereof may be omitted from current expenses in making this computation. (6) The county shall have met such other standards as may be set up by the State Board of Education to insure equality of educational opportunity.

Section 16. To determine the amount which a county is entitled to receive from the Equalization Fund in any year proceed as follows: To the sum total of all funds available for elementary and secondary education in any and all schools located in the county from State appropriations and apportionments and all other public sources, including the poll tax, add the total yield of an assessment of the constitutional three-mill district school tax in the several districts covering the whole county and the total yield of an assessment of two mills of the county wide school tax on all taxable property of the county, and subtract this grand total from the cost of the minimum educational program to be equalized in the county as determined in Section 17 of this Act. The balance remaining shall be provided for out of the Equalization Fund and paid to each county as provided for in this Act.

Section 17. In determining the cost of the minimum program to be equalized the number of teacher units in each county shall be multiplied by an amount or amounts to be fixed by the State Board of Education. The amount or amounts by which the number of teacher units is to be multiplied shall be based on the average salaries required by the operation of the salary schedule or schedules hereinafter provided, together with the added percentage allowed for purposes other than instruction in current expenses. The number of teacher units shall be determined as follows: 1. One elementary teacher unit shall be allowed for each one-teacher school when satisfactory evidence has been submitted to the State Department of Education showing that consolidation is impracticable. 2. One elementary teacher unit shall be allowed for each thirty pupils in average daily attendance in grades one to six in all other schools in the county during the preceding year. 3. One high school teacher unit shall be allowed for each thirty pupils in average daily attendance in grades seven to twelve, inclusive, in all other schools in the county during the preceding year. 4. One helping teacher (supervisor) shall be allowed for each seventy-five teacher units in a county; provided each county shall be allowed one helping teacher. If the number of elementary or high school teachers employed is less than the number as above computed and no adequate provision is made for the instruction of such excess pupils,

the State Superintendent of Education may in his discretion use the total number of teachers employed, or any intermediate number between such actual number and the number determined as above computed, in ascertaining the amount of State aid to be apportioned as provided in Section 16 of this Act. No allowance shall be made for helping teachers (supervisors) except for those actually employed. The State Board of Education may on and after July 1, 1929, adopt rules changing the ratios to be used in determining the number of elementary and high school teachers as the basis on which the amount of State aid is to be allotted under this Act.

Section 18. In the determination of the salary schedule or schedules which shall control the expenditures of funds allotted for teachers' salaries the State Board of Education shall from time to time cause an investigation to be made of the current practices in regard to the salaries paid various employees engaged in instructional services of the several county and city boards of education in the State, giving due consideration to the academic and professional preparation of employees and to the length of service rendered. Nothing in this Act shall be construed to restrain counties or cities from the use of higher salary schedules than the minimum salary schedule set up by the State Board of Education.

Section 19. That the Attendance Fund provided for in Section 2 of this Act shall be apportioned to the several counties of the State in proportion to the aggregate attendance during the year next preceding that for which the apportionment is being made; provided that in order that the best interests of education may be conserved by the expenditure of this Fund county and city boards of education shall establish and maintain approved attendance, physical and health education programs as required by law and the regulations of the State Board of Education. It shall be the duty of the State Board of Education before making apportionment of the Attendance Fund to see that the conditions herein prescribed have been met by all counties and cities participating in the apportionment of this Fund.

Section 20. That the special appropriation for libraries provided for in Section 3 of this Act shall be expended exclusively for the purchase of books to be used in school libraries under the same conditions as now provided by law; provided that county boards of education may at their discretion co-operate with other agencies in the establishment and maintenance of a county-wide library service, in which all public schools of a county are provided regularly with library facilities. It shall be the duty of the State Board of Education to make such rules and regulations and provide such general supervision for the library service of the State as will make the appropriation for this purpose of the

greatest benefit to the schools. No county may share in the apportionment of the Library Fund that does not provide safe and ample protection for books placed in the several schools located therein. It shall be the duty of the County Superintendent of Education to see that this provision is fully complied with and the State Superintendent of Education may withhold aid from a county that fails properly to provide satisfactory care for all books.

Section 21. That in the expenditure of the appropriations provided in Section 4 of this Act it shall be the duty of the executive officers of the teacher-training institutions sharing therein to comply with the regulations of the State Board of Education in offering a standard program for the preparation of teachers both for and in service. The State Board of Education shall have full authority upon recommendation of the State Superintendent of Education to prescribe curricula for the various types of teaching service required in the public schools of the State, and shall authorize such recognition for the completion of prescribed curricula as may in its judgment be to the highest interest of the service. The Teacher Training Equalization Fund provided in Section 4 of this Act shall be expended under rules and regulations prescribed by the State Board of Education, and shall be apportioned as follows: 1. The sum of One Hundred Thousand (\$100,000.00) Dollars, except as otherwise provided in this Act, shall be apportioned to those institutions devoted primarily to the training of elementary teachers, under such rules and regulations as will make its expenditure of the greatest force and effect. 2. The sum of One Hundred Thousand (\$100,000.00) Dollars or so much thereof as may be necessary shall be devoted exclusively to the preparation of high school teachers, including the cost of administration, salaries of instructors, and expenditures necessary for providing adequate practice school facilities for student-teachers. This fund shall for the current quadrennium be apportioned to the State Institutions already engaged in the training of teachers for accredited senior high schools, under such rules and regulations as may be of the greatest benefit to secondary education; provided that before any part of it is apportioned to an institution for any year the dean or director of the school of education of such institution shall submit through its president a budget for the approval of the State Board of Education.

Section 22. That in apportioning the funds provided in this Act for the support and maintenance of the Agricultural and Mechanical Institute for Negroes at Normal the State Board of Education shall at all times endeavor to carry out the purposes of the Federal and State Acts which provide funds for this institution, and the first consideration shall be given at all times to

the training of the Negro youth in agricultural pursuits and in the mechanical arts which will furnish opportunity for profitable employment for members of this race.

Section 23. That in the expenditure of the additional appropriation for aid in the erection, repair and equipment of rural schoolhouses provided for in Section 6 of this Act the State Board of Education shall be governed by the provisions of the School Code relating to the expenditure of such funds; provided that where permanent materials are specified in construction such as masonry walls of hard burned brick, reinforced concrete, stone terracotta with stucco, or other equally permanent or substantial material, the amounts of State Aid allowed may be increased not to exceed one hundred percent over and above those provided for in Article 18 of the School Code, and the limitations therein as to number of rooms shall not apply; provided further that before State aid is granted for the construction of any such building the county board of education shall submit to the State Board of Education for its approval a proposed county-wide building program which sets out in detail the location of all present and proposed buildings, and which provides both elementary and high school building facilities for all the children of the county. In the preparation of such county-wide building program the county board of education may ask assistance of the State Department of Education or of any other agency approved by the State Board of Education that can furnish data on the basis of which the county board of education may act intelligently. Permanent buildings in course of construction at the time of the approval of this Act shall be eligible to share in the proposed increases authorized by this section.

Section 24. That in the expenditure of the appropriation for the removal of adult illiteracy provided for in Section 7 of this Act the State Board of Education shall set up such rules and regulations as will give full force and effect to the provisions of the School Code relating to the expenditure of funds for the removal of illiteracy; provided that the State Board of Education may afford support through the Division of Exceptional Education to activities which have for their purpose the training of atypical children who are not now provided for in the State child - caring institutions; and provided further than through this Division the State Board of Education shall exercise its responsibility for providing proper educational opportunity for persons in the delinquent, corrective and penal institutions of the State.

Section 25. That the appropriation for vocational education provided for in Section 8 of this Act shall be expended under the provisions of Article 21 of the School Code relative to the expenditure of such funds; provided that the State Board of Edu-

cation shall have authority to expend an amount not to exceed Fifteen Thousand (\$15,000.00) Dollars annually for crippled individuals whose restoration may be brought about by such expenditure; and provided further that out of this fund the State Board of Education may cooperate with other State agencies in setting up and executing a program for the care and restoration of crippled children.

Section 26. That in the apportionment and expenditure of the additional fund provided in Section 9 of this Act for high school education the State Board of Education shall prescribe conditions for its disbursement so as to make possible the development and maintenance of more nearly adequate high school facilities in the several counties of the State, and in carrying out the provisions of this Act, shall have authority to set aside and expend such an amount of this fund as may be necessary for the proper administration and supervision of secondary education.

Section 27. That in order that the provisions of this Act may be made of the greatest benefit possible the State Board of Education may adopt such additional regulations not inconsistent with its provisions as may be deemed necessary for its proper administration.

Section 28. That the State Superintendent of Education shall make requisition on the State Auditor in favor of the proper beneficiary in accordance with the law and the rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Auditor shall issue his warrant therefor; provided that all appropriations and monies made available to the Alabama College, the Alabama Polytechnic Institute and the University of Alabama by the provisions of this Act shall be paid out quarterly upon requisition upon the Auditor made in the manner as now provided by law.

Section 29. That if the Supreme Court of the State shall hold any provision or provisions of this Act as unconstitutional, such holding shall not affect any other provision of this Act.

Section 30. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed, and that the provisions of this Act shall become effective upon approval by the Governor.

Section 31. The several appropriations herein provided for shall be payable out of the special trust fund created and set apart for educational purposes by Section 2 of the General Revenue Bill of 1927; and in the event such trust fund is insufficient to cover said appropriations, then the balance of the same shall be payable out of any other funds in the treasury not otherwise appropriated.

Approved August 25, 1927.

No. 385.)

(H. 497. Simpson)

AN ACT

To amend Section 6702 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6702 of the 1923 Code of Alabama be, and the same is, hereby amended so as to read as follows: 6702. Salary of Circuit Court Judges.—The salary payable out of the State treasury of every Circuit Judge in this State, is \$5,000.00 per annum, payable in equal monthly installments, as the salaries of other State officers are paid. Provided that in circuits in which the salary of the Judge, or Judges, is now or hereafter may be paid in part or supplemented by a county, or counties, such part of such salaries so paid by said county, or counties, shall continue to be paid to such Judge, or Judges, as is now provided by law, which portion of such salaries shall be in addition to the \$5,000.00 hereby directed and authorized to be paid by the State. Provided further, however, that in all circuits now or hereafter composed of only one county and having more than two Judges, each judge shall in addition to the \$5,000.00 annual salary paid by the State, receive the further annual sum of \$3,000.00 payable out of the County treasury of the county composing said circuit in twelve monthly installments upon the warrant of such judge. Provided, however, that if any clause or provision herein is declared unconstitutional or otherwise invalid or ineffective, the other clauses or provisions shall remain in full force and effect.

Section 2. This Act shall become effective upon its passage.
Approved August 24, 1927.

No. 386.)

(H. 6. Goodwyn)

AN ACT

To amend Sections 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040 and 1041 Code of Alabama of 1923 relating to Geological Survey.

Be it Enacted by the Legislature of Alabama that Sections 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040 and 1041 of Chapter 30 of the Code of Alabama 1923 relating to the Geological Survey of Alabama, be amended so as to read as follows:

Section 1033. STATE GEOLOGIST—Eugene A. Smith, Professor of Mineralogy and geology in the University of Alabama is State Geologist. In the event of a vacancy in the office of State Geologist, from any cause, that the most competent geologist available, either from the staff of the Geological Sur-

vey of Alabama or elsewhere, to be designated by the President of the University of Alabama with the approval of the Governor, shall be the State Geologist, whose term of office shall be at the will of the appointing powers. When ever a vacancy shall subsequently occur said vacancy shall be filled in a like manner and the tenure of office shall be determined as aforesaid.

Section 1034. HIS DUTIES. It shall be the duty of the State Geologist to devote his entire time to the administrative duties of his office and to making explorations and examinations of the mineral, agricultural, biological, and other natural resources of the State, so as to determine accurately the quality and character of its soils and their adaptation to agricultural purposes, and especially to the occurrence and quality of phosphates, marls, gypsum, and other natural fertilizers; its mineral resources and their locations, character and capacity for development, its water powers and their capacity; its forest trees and their utilities and distribution; its other plant and animal forms useful or noxious; and it shall be the duty of him and his assistants, whenever they discover any deposits of ores or other resources of value, to notify immediately the owners of the land on which such deposits occur; but no individual or firm or corporation shall have the right to call upon or require the State Geologist to enter upon any special survey for his or their individual benefit. The Survey is to proceed upon a settled plan for the benefit of the public and prospectors and investors in general. He shall also make to the Legislature at each of its regular sessions, a report of the progress of his explorations and examinations, together with such analyses of soils or of minerals, mineral waters, etc., with maps and charts as may be needed for illustrations, which report shall be printed and shall be the exclusive property of the State. He shall also make collections of specimens illustrative of the geological, agricultural and other natural resources of the State, which, after they shall have served the immediate purposes of the Survey, shall be placed in the museum of the Survey in Smith Hall at the University of Alabama, as a permanent exhibit, except that duplicates of these specimens and excess material may be distributed by the State Geologist to educational institutions of the State which may request them and have use for them. He shall also from time to time prepare or cause to be prepared monographs, special reports or bulletins of the geology and varied resources of the State which shall be published under the provisions of Section 1039, 1040, and 1041 of the Code of Alabama 1923.

Section 1035. ASSISTANTS. The State Geologist may appoint with the approval of the Governor, such assistants, including a competent chemist, and for such periods and with such compensation as he may deem necessary to the best interests of

the Survey. Provided, however, that said assistants shall devote their entire time to the work of the Survey, and no part of the funds available to the Survey shall be expended for the salary or compensation in whole or in part of any member of the teaching staff or other employee of the University of Alabama, provided that not more than one of the present employees doing joint service may be retained; the object of this provision being to secure the services of full-time employees and to preclude the payment of salaries or other compensation of teachers or other employees of the University, thereby guaranteeing an entire separation of the work of the Survey from that of the University.

Section 1036. ANNUAL APPROPRIATION. There is appropriated out of any funds in the treasury, for the geological and agricultural survey provided for in this chapter, annually the sum of Thirty Thousand Dollars (\$30,000.00) for the first year; Forty Thousand Dollars (\$40,000.00) for the second year; and thereafter Fifty Thousand Dollars (\$50,000.00) annually out of which said sums shall be defrayed the expenses of the Survey, including equipment, departmental field work, museum and departmental work and salaries, except the salary of the State Geologist, which shall be paid as provided for in Sec. 1037 of the Code of Alabama 1923. Upon the requisition of the State Geologist, when approved by the Governor, the Auditor shall draw his warrant on the Treasurer for the amount appropriated, in such sums as may be needed from time to time for the purposes herein provided for; and for all expenditures made under the provisions of this Chapter, except for the salary of the State Geologist, the approval of the Governor must be obtained, and the vouchers of the State Geologist for all such expenditures, must be filed quarterly with the Auditor, and a statement of his receipts and expenditures shall accompany each quadrennial report of the State Geologist.

Section 1037. SALARY. The State Geologist shall receive out of the State Treasury a salary of Four Thousand Dollars per annum, payable in equal monthly installments, as the salaries of other State officers are paid.

Section 1038. EXPENSES OF THE SURVEY. The balance of the annual appropriation herein provided for, shall be devoted, so far as may be necessary, to execute the purposes of this Chapter, to the discharge of the expenses of the Survey including the compensation of all temporary and permanent assistants; traveling expenses of the Geologist and geological corps, in and out of the State; purchase of apparatus and materials for making chemical analysis; other expenditures for outfit; expenses incurred in providing for the transportation, arrangement, and proper exhibition of the geological and other collections made on the authority of this chapter, and the en-

graving of maps and sections, etc., to illustrate the quadrennial reports of progress. Provided, however, that no payment shall be made by the Survey to the University on account of rent or permanent improvements, nor shall the University make use of the Survey's apparatus and materials for making chemical analyses, nor share in expenditures for outfit herein referred to.

Section 1039. **BULLETINS OF THE STATE GEOLOGIST**—Whenever the State Geologist has in hand, ready for publication, material for a bulletin or any other report, of his surveys and investigations of the mineral, agricultural or other natural resources of the State, he shall report the same to the Governor, and a committee consisting of the Governor, Secretary of State and State Geologist, shall then determine the number of such bulletin or report which shall be printed and published.

Section 1040. **PRINTING AND BINDING GEOLOGICAL BULLETINS.**—When the number of such bulletins or reports to be printed and published has been so determined, the Governor shall order the same to be printed and bound forthwith at such times and places, and in such manner and style as regards size, type, quality of paper, binding, etc., as said committee may deem best, and in similar manner he shall have engraved and printed all charts, maps, views, drawings, sketches, or details as may be deemed necessary by said committee to properly illustrate such bulletin or report. And for the purposes herein mentioned, when, in the opinion of said committee, the State printers are not prepared to do in proper manner any engraving or other work required for such report or bulletin, the Governor may authorize special contract with such persons, firms, or corporations, within or without the State, as in the judgment of said committee will secure the promptest and most satisfactory work.

Section 1041. **PAYMENT OF PRINTING AND BINDING BULLETINS.**—The accounts for the printing, engraving and binding done under the provisions of this Chapter, when approved by the Governor, shall be paid by his order out of any moneys in the State Treasury.

Approved August 31, 1927.

No. 388.)

(S. 385. Edgar

AN ACT

To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature, an amendment to the Constitution of Alabama authorizing a portion of Choctaw County in said state to levy and collect a tax of five mills in addition to all taxes now authorized.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment is as follows: "That all that portion of Choctaw County in the State of Alabama, lying south of the Okatuppa Creek from the Tombigbee River up to the north line of Section 21, township 11, thence west to the Mississippi state line, is hereby created a special tax district. The governing body of Choctaw County shall have the right and power to levy and collect for public school purposes, in addition to all other taxes now authorized by law a tax not in excess of one-half of one percentum on all property situated within the tax district hereby created, based upon the valuation of such property in said district, as assessed for state taxation, provided such tax is authorized by a majority of the qualified electors of said district voting upon such proposition at an election called and held for the purpose of authorizing such tax. Such an election may be called at any time by the Governing body of said county, and must be called by said governing body whenever said governing body is requested in writing by the governing board of education of said county, and such election must be called by said governing body upon a petition signed by two hundred or more qualified electors of said district and addressed to the Court of County Commissioners. Such election shall be held and conducted and the results canvassed, as now provided by law for holding and conducting and canvassing the returns of an election to determine whether or not the three mill district school tax shall be levied and collected. The proceeds of the tax hereby authorized shall be used in all respects in accordance with law governing the handling and expenditure of the three mill district school tax."

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the Treasury of the State in the same manner as the expenses of other elections are paid.

Approved August 26, 1927.

No. 390)

(S. 443. Craft

AN ACT

To amend Section 8 of an act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government, approved April 8, 1911.

Be it Enacted by the Legislature of Alabama:

That Section 8 of an act entitled "An Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government." Approved April 11, 1911, be amended so as to read as follows: Sec. 8. That said board of commissioners shall hold regular public meetings on Tuesdays of each and every week at some regular hour to be fixed by said board from time to time and publicly announced by it; and it may hold such adjourned, called and other meetings as may be necessary or convenient. The president of the board, when present, shall preside at all meetings of said board, but shall have no veto power. Two members of said board shall constitute a quorum for the transaction of any and every business to be done by said board, and for the exercise of any and every power conferred upon it; and the affirmative vote of two members of said board shall be necessary and sufficient for the passage of any

resolution, by-law, or ordinance, or the transaction of any business of any sort by said board, or the exercise of any of the powers conferred upon it by the terms of this Act, or that may hereafter be conferred upon it. The said board may delegate or assign to one or more of its members, or to such boards, commissions, officers or employees as may be created or selected by it, the performance of such executive and judicial duties and powers as may be necessary or convenient, provided that the same is done by resolution, by-law or ordinance duly enacted according to law, and the said board, except as herein otherwise provided, may abolish or change any judicial or ministerial office of such city by like process. All meetings of said board at which any person not a city officer is present shall be open to the public. No resolution, by-law or ordinance granting any franchise, appropriating any money for any purpose, providing for any public improvements, enacting any regulations concerning the public comfort, the public safety or public health, or of any other general or permanent nature, shall be enacted except at a regular or adjourned public meeting of said board. Every motion, resolution or ordinance introduced at any and every such meeting shall be reduced to writing and read before any vote thereon shall be taken; and the yeas and nays thereon shall be recorded. A record of the proceedings of every such meeting shall be kept in a well bound book, and every resolution or ordinance passed by the board of commissioners must be recorded in such book, and the record of the proceedings of the meeting be signed by at least two of the commissioners before the action taken shall be effective. Such record shall be kept available for inspection by all citizens of such city at all reasonable times. All contracts for the construction or improvement, or reconstruction, or re-improvement, of any street, alley, highway, or other public place, or of any sidewalk thereon by filling, grading, leveling, graveling, slagging, macadamizing, curbing, guttering, paving or otherwise improving, and all contracts to construct or reconstruct any drain or drains, sanitary or storm water sewer or sewers, sanitary and storm water sewers, either combined or separate, must be let by competitive bidding to the lowest responsible bidder. A responsible bidder is defined as one who is ready, able and willing to execute a bond reasonable in amount with surety to perform the contract according to specifications. Notice shall first be given asking for bids for such contracts, which notice shall be given in such manner and for such time as may be prescribed by the Board of Commissioners.

Approved August 30, 1927.

No. 393.)

(S. 502. Fite.

AN ACT

To fix and regulate the compensation of the Deputy Clerk of the Criminal Division of the Circuit Court in all counties of the state having a population of more than 200,000 according to the last or any subsequent Federal census, and to provide for the payment of such compensation.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties of this state having more than 200,000 population according to the last or any succeeding Federal census the Deputy Clerk of the Criminal Division of the Circuit Court shall receive a salary of \$6000.00 per annum payable in equal monthly installments out of the county treasury, in the same way and manner as the salary of other County officers in such counties are now paid.

Section 2. This bill will take effect immediately upon its passage an all laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved August 24, 1927.

No. 394)

(S. 511. Craft

AN ACT

To amend the caption and the body of an act entitled "An Act" To enlarge and further define the duties and fix the compensation of humane officers in counties of this State having a population of not less than 85,000 nor more than 175,000, according to the Federal Census of 1920 or any subsequent Federal Census; to require all cities having a population over 45,000 and less than 100,000, according to the Federal Census of 1920, or any subsequent Federal Census, which are located in counties having a population of not less than 85,000 nor more than 175,000, according to the Federal Census of 1920, or any subsequent Federal Census, to pay one half the compensation of such humane officers; and to require said counties to pay one-half the compensation of such humane officers; to require said counties and cities to furnish an automobile to such humane officers and to pay for its upkeep and the fuel used: to repeal all conflicting laws.'

Be it Enacted by the Legislature of Alabama:

Section 1. That the caption of an act entitled: "An Act" To enlarge and further define the duties and fix the compensation of humane officers in counties of this State having a population of not less than 85,000 nor more than 175,000, according to the Federal Census of 1920 or any subsequent Federal Census; to require all cities having a population over 45,000 and less than 100,000, according to the Federal Census of 1920, or any subsequent Federal Census, which are located in counties having a population of not less than 85,000 nor more than 175,000, ac-

cording to the Federal Census of 1920, or any subsequent Federal Census, to pay one-half the compensation of such humane officers; and to require said counties to pay one-half the compensation of such humane officers; to require said counties and cities to furnish an automobile to such humane officers and to pay for its upkeep and the fuel used; to repeal all conflicting laws," approved October 11, 1920, be and the same are hereby amended so as to read as follows: "An Act" To enlarge and further define the duties and fix the compensation and pensions of humane officers in counties of this State having a population of not less than 85,000 nor more than 350,000 according to the Federal Census of 1920 or any subsequent Federal Census; to require all cities having a population of over 45,000 and less than 500,000 according to the Federal Census of 1920 or any subsequent Federal Census which are located in counties having a population not less than 85,000 nor more than 300,000 according to the Federal Census of 1920 or any subsequent Federal Census; to pay one-half the compensation and pensions of such humane officers and to require said counties to pay one-half the compensation and pensions of such humane officers; to require said counties and cities to furnish an automobile to such humane officers and to pay its upkeep and fuel used; to repeal all conflicting laws.

Section 2. That the body of an act entitled, An Act "To enlarge and further define the duties and fix the compensation of humane officers in counties of this State having a population of not less than 80,000 nor more than 82,000 according to the Federal Census of 1910 or any subsequent Federal Census approved August 23rd, 1919, be and the same is hereby amended so as to read as follows: Section 1. That in all counties of this State having a population of not less than 85,000 nor more than 350,000 according to the Federal Census of 1920 or any subsequent Federal Census, in addition to the duties now prescribed and fixed by law, or required of him by any organization or society under the law, the humane officer of such counties or by whatever name called, shall act as assistant probation officer under the supervision of the judge of the juvenile court of such counties and he shall also act in co-operation with the Federal and State authorities in the enforcement of all tick eradication laws or regulations enforced in such counties. The salary of said humane officer shall be one hundred and fifty dollars per month, payable monthly, and after said officer shall have served continuously as such officer twenty years, he may ask to be retired thereafter and receive as compensation one-half of said compensation per month, payable monthly. Any city which has a population of over 45,000 and less than 300,000 according to the Federal Census of 1920, or any subsequent Federal Census,

which is located in any county covered by this act, shall pay one-half of the said salary and pension of said humane officer. The counties shall pay the remaining one-half of said salary and pension of said humane officer. The counties and cities included in this act shall furnish an automobile for said humane officer and shall pay for the upkeep and fuel used. One-half of the costs of said automobile and the expense of fuel and upkeep to be paid by the county and the other one-half to be paid by the city. It shall be the duty of said humane officer to give first aid treatment to all sick and injured animals within his territory, without charge, when called upon for said service by a citizen. Section 2. That all laws and parts of laws in conflict with this act by the same are hereby repealed.

Approved August 26, 1927.

No. 397.)

(S. 567. Walker

AN ACT

To amend Section 2336 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama; That Section 2336 of the Code of Alabama 1923 be amended to read as follows: 2336. Petition for Election. In cities of Class "D" upon the presentation of a petition signed by a number of qualified electors of such city as will equal three voters for each one hundred inhabitants or fraction thereof, according to any Federal or Municipal Census hereafter taken, residing in such city, to the Judge of Probate of the County in which such city is located or in which a part of such city is located, asking that the proposition of organizing under this Article be submitted to the qualified voters of such city, the Judge of Probate shall examine such petition and determine whether or not the same is signed by the requisite number of qualified electors of such city to authorize such election in such city for the purpose of adopting the provisions of this Article, and if such Judge of Probate shall find said petition contains a requisite number of electors to authorize such an election, he shall within fifteen days from the receipt of such petition certify such fact to the Mayor of the city in which such election is so petitioned, and the certificate of the Judge of Probate as to the sufficiency of said petition shall be final. Where such City is situated in two or more counties the Judge of Probate to which such petition is presented shall require the Judge of Probate of such other County or Counties in which said City is situated to certify to him a list of the qualified electors residing in such city and in each respective county, and upon re-

ceipt of such written request it shall be the duty of such Judge of Probate within seven days thereafter to certify such list of electors to the Judge of Probate from which such request was received.

Approved August 26, 1927.

No. 398)

AN ACT

(S. 399. Craft

To provide for and submit to the qualified electors of the State of Alabama; at an election to be held on the second Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature at which the amendment is proposed; an amendment to the Constitution of Alabama, whereby the Board of School Commissioners of Mobile County may levy and collect annually for the operation and maintenance of public schools in the County of Mobile, a tax, on all property situated in Mobile County, at a rate of not exceeding one-tenth (1-10) of one (1) per centum in any one year of the value of all such property as assessed as is provided by law; which said tax shall be in addition to all other taxes for public school purposes and any and all other purposes now authorized or which may hereafter be authorized by law; provided, that such levy of such tax and the rate thereof, shall have been first submitted to the vote of the qualified electors of Mobile County and voted for by a majority of those voting at such election.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama, is hereby proposed to be submitted to the qualified electors of the State of Alabama, for their consideration at an election to be held on the second Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit: The Board of School Commissioners of Mobile County may levy and collect annually for the operation and maintenance of public schools in the County of Mobile, a tax, on all property situated in Mobile County, at a rate of not exceeding one tenth (1-10) of one (1) per centum in any one year of the value of all such property as assessed as is provided by law; which said tax of not exceeding one-tenth (1-10) of one (1) per centum shall be in addition to taxes levied and collected under and pursuant to the authority of Section 215 of the Constitution of Alabama of 1901; and taxes levied and collected under and pursuant to Article XIX of the Constitution of Alabama of 1901, which Article XIX was added to the said Constitution by amendment, and which said tax of not exceeding one tenth (1-10) of one (1) per centum shall be in addition to all other taxes for public school purposes and any and all other purposes now authorized or

which may hereafter be authorized by law; provided, that such levy of such tax and the rate thereof, shall have been first submitted to the vote of the qualified electors of Mobile County and voted for by a majority of those voting at such election.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Approved August 26, 1927.

No. 399)

AN ACT

(S. 347 Fite

To provide for the removal of the Court House in any county to a site in the city or town where such court house is located, which site was not within the corporate limits of such city or town when the court house was first located therein.

Be it Enacted by the Legislature of Alabama:

Section 1. Whenever the Court of County Commissioners of the Board of Revenue of any county shall determine that it is advisable to erect a new court house for such county on a site in the city or town where the court house is located, which site was not within the corporate limits of such city or town when such court house was first located therein and shall pass a resolution to that effect, the Court house may be erected on such new site if it shall be so decided by a vote of the people of the county at an election to be held as hereinafter provided.

Section 2. The Commissioners Court or Board of Revenue after the passage of such resolution shall order an election to be held in said county to determine whether or not the court house shall be erected on such new site.

Section 3. Notice of such election shall be given for thirty days by publication in a newspaper published in said county once a week for three successive weeks, which notice shall state the purpose for which the election is to be held, the time and place for holding the same and a description of the site on which the new court house is to be erected. Such notice shall be signed by the Probate Judge or chairman of the Board of Revenue of the county in which the election is to be held.

Section 4. The ballot used at such election must be prepared by the Probate Judge and shall contain the words "for erection of court house on site—" and "against erection of court house on site—" (the description of the site to be shown in the blank space) and the voter shall indicate his choice by placing a cross mark before or after the one or the other.

Section 5. The Probate Judge, the Circuit Clerk and the Sheriff of said county within ten days after notice in writing to them of the calling of such election shall appoint three managers and one returning officer to conduct the election in each beat or polling place in the county and said managers shall all reside in the beats, wards or precincts where they are appointed to serve and shall be qualified electors at said elections. In all other respects the laws relating to the holding of elections in counties to determine whether county bonds may be issued shall govern and apply to elections held under this act.

Section 6. If at such election a majority of the qualified electors of the county voting at the election shall vote for the erection of a court house on the proposed site it shall be permissible to erect a court house on such proposed site.

Section 7. If any provision of this Act shall be declared invalid, the remaining portion of the act will remain unaffected and shall continue in full force and effect.

Approved August 26, 1927.

No. 400)

AN ACT

(S. 367. Young

For the relief of E. R. Harris, of Sulligent, Alabama, and to authorize and require the State Auditor to draw his warrant on the State Treasurer in favor of E. R. Harris for the sum of two hundred (\$200.00) dollars, and to require the State Treasurer to pay such warrant, and to appropriate the sum of two hundred (\$200.00) dollars for the payment thereof.

WHEREAS, E. R. Harris, of Sulligent, Lamar County, Alabama, paid the sum of One Hundred (\$100.00) Dollars for State license as a wholesale lumber dealer for the year 1923, and paid a like sum of One Hundred (\$100.00) Dollars for the same kind of license for the year 1924, making the total paid in said two years, Two Hundred (\$200.00) Dollars for said licenses for said two years, said E. R. Harris paying said sums for license believing that he was liable for or subject to the payment of said license, then license inspector insisting that it should be paid; And WHEREAS, since the payments above mentioned, the courts of Alabama have, in effect, held that he was not subject to the pay-

ment of said licenses; and WHEREAS, equity and good conscience require that the State refund the amount of said licenses so paid by said E. R. Harris: Now, Therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That the State of Alabama owes the said E. R. Harris the sum of Two Hundred (\$200.00) Dollars.

Section 2. That the State Auditor of the State of Alabama is hereby required and directed to draw his warrant on the State Treasurer of Alabama, in favor of said E. R. Harris for said sum of Two Hundred (\$200.00) Dollars, and the State Treasurer is required and directed to pay the same.

Section 3. That there is hereby appropriated the sum of Two Hundred (\$200.00) Dollars, payable out of any funds in the State Treasury not otherwise appropriated, to pay said warrant.

Approved August 30, 1927.

No. 402.)

AN ACT

(S. 390. Stanley

To amend Section 1 of An Act To amend Sections 3 and 6 of an Act entitled An Act to further provide for and regulate the payment of pensions to Confederate soldiers and sailors and their widows and to make necessary appropriations therefor, approved September 6, 1923, designated as Section 2948 and Section 2973 of the Code of Alabama, approved February 18, 1927.

Be it Enacted by the Legislature of Alabama:

1. That Section 1 of An Act to amend Sections 3 and 6 of an Act entitled An Act "To further provide for and regulate the payment of pensions to Confederate soldiers and sailors and their wives and to make necessary appropriations therefor, approved September 6, 1923, designated as Section 2948 and Section 2973 of the Code of Alabama, approved February 18, 1927, be and the same is hereby amended so as to read as follows: Section 1. That beginning with April, 1927, there shall be paid quarterly to each pensioner in Class A, the sum of \$90.00 for each quarter; to each pensioner of Class One, the sum of \$45.00 for each quarter; to each pensioner in Class Two, the sum of \$30.00 for each quarter; to each pensioner of Class Three, the sum of \$22.50 for each quarter. That beginning with October, 1927, there shall be paid quarterly to each pensioner in Class A the sum of \$150.00; to each pensioner in Class One the sum of \$75.00, for each quarter; to each pensioner in Class Two the sum of \$45.00, for each quarter; to each pensioner in Class three the sum of \$30.00, for each quarter. That soldiers and sailors

who are entitled to benefits of this article who are now on the pension roll or who may hereafter be placed on the pension rolls of this State, shall constitute Class A and shall receive the amounts provided under this Act. All widows of Confederate soldiers and sailors now on pension rolls or who may hereafter be placed on the pension rolls under the existing laws of this State, shall be divided into three classes, as follows: widows of the age of eighty years and over, or who are totally blind shall constitute Class One, widows who are between seventy years of age and eighty years of age shall constitute Class Two, widows under seventy years of age shall constitute Class Three and they shall receive pensions according to their class, as provided under this Act. All of said pensions shall be paid quarterly on the first days of October, January, April and July of each year. There is hereby continuously appropriated from the General funds of the State a sufficient sum, which in conjunction with the moneys derived from the one mill pension fund, to carry out the provisions of this Act.

2. That all laws and parts of laws in conflict with this Act be and the same is hereby repealed.

Approved August 30, 1927.

No. 403.)

AN ACT

(S. 395. Ellis of Dallas)

To make further appropriations to the State Board of Health for the purpose of promoting the public health of the State of Alabama and the several counties thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. In addition to the continued annual appropriation of money now made or which may be hereafter made, there is hereby appropriated out of the general fund in the treasury, not otherwise appropriated, for public health work in the State of Alabama the following sums of money: \$172,120.00 for the fiscal year beginning October 1, 1927, \$255,876.95 for the fiscal year beginning October 1, 1928, \$343,813.00 for the fiscal year beginning October 1, 1929, \$389,383.00 for the fiscal year beginning October 1, 1930, and the sum of three hundred eighty-nine thousand three hundred eighty-three dollars, (\$389,383.00) annually thereafter; said sums to be a part of the general appropriation to the State Board of Health and for the general use of said Board.

Section II. In addition to amounts appropriated in Section I of this Act, and to any and all appropriations of money now made or to be made hereafter, there is hereby appropriated an-

nually for the public health work of the State of Alabama, a sum to be known as the county organization fund to be used as a state aid fund for the organization and the promotion of public health work in the several organized counties of the State which appropriation shall be in the amount of twenty-five hundred dollars (\$2500), for each county organized under a health unit. It shall be made available when a county shall make an appropriation of an adequate sum of money, to be approved by the State Board of Health as to the amount thereof, necessary to do efficient work and secure a permanent organization. All counties which shall be found organized on the date of the passage of this bill, except such as are already provided for, shall share in this appropriation from that date.

Section III. The appropriation made in the preceding section of twenty-five hundred dollars, (\$2500), per county, may, at the discretion of the State Board of Health and the approval of the Governor, be used and be available for use in counties in which there is no public health unit for the purpose of making demonstration in public health work, provided that such demonstrations shall be limited to such a reasonable period of time as shall be necessary to educate the people to the value and importance of the work and until the county's financial condition will permit it to appropriate such sums of money as will provide for a permanent health organization. Each of said counties shall be selected and designated by the State Board of Health. The annual appropriation of twenty-five hundred dollars, (\$2500), per county shall be expended through the county board of health by the State Board of Health, or under its direction by the executive officers and any county failing to comply with the rules prescribed by the State Board of Health at any time, whether before or after being organized or before or after the beginning of the health demonstration herein provided for, as the case may be, shall forfeit its right to share in this fund.

Section IV. All the sums of money herein appropriated shall be paid in monthly installments to the State Health Officer on his requisition, when approved by the Governor, and through warrants of the State Auditor drawn on the State Treasury.

Section V. All laws and parts of laws in conflict with the provisions of this Act be and they are hereby repealed.

Approved August 26, 1927.

No. 404)

AN ACT

(H. 88. Harwood

To appropriate Two Hundred and Fifty five Thousand (\$255,000.00) Dollars to the Alabama Home for the construction and equipment of needed buildings, sewers, septic tanks and the acquisition of a colony for boys.

Be it Enacted by the Legislature of Alabama:

Section 1. That there be and hereby is appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Two Hundred and Fifty-five Thousand (\$255,000.00) Dollars, to be used in the construction and equipment of the following buildings: 1. For building and equipment of a dormitory for boys, to accommodate two hundred beds. (2) For the building of an employee's home, to accommodate the population of single employees, or, two buildings, one to accommodate women and one to accommodate men. 3. For the building of a storehouse. 4. For the building of a hospital. 5. For a building for low grade boys. And 6. For building sewers and septic tanks. And 7. For the acquisition of a colony for boys. So much of this appropriation to be used for each of said purposes as may be necessary.

Section 2. That the money hereby appropriated shall be paid for the purposes enumerated in Section 1 upon the drafts of the Superintendent of the Alabama Home on the State Treasury, approved by the Governor; provided that One Hundred Thousand Dollars of said appropriation shall be available during the fiscal year 1927-1928 when, in the opinion of the Governor, the condition of the Treasury shall warrant, said appropriation to be paid when approved by the Governor; provided further that the balance of said appropriation shall be available when in the opinion of the Governor the condition of the treasury shall warrant, and with his approval. If all or any part of the appropriation made herein remain unpaid, such balance shall be and remain in full force and effect until paid in full in the manner herein provided.

Section 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved September 6, 1927.

No. 406)

(H. 1043 Rogers of Mobile

AN ACT

To authorize cities having a population of not less than sixty thousand and not more than one hundred and fifty thousand inhabitants, according to the last or any subsequent Federal census, to fix and collect licenses for business done within the police jurisdiction of such city but outside of the corporate limits thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. That any city in this state having a population of not less than sixty thousand and not more than one hundred

and fifty thousand inhabitants, according to the last or any subsequent Federal census, may fix and collect licenses for any business done or carried on within the police jurisdiction of such city, but outside of the corporate limits thereof; provided however that the amount of such license shall not be more than the amount charged and collected as license for like business done or carried on within the corporate limits of such city. And provided further that if any person firm or corporation pays a license for doing business within the corporate limits of such city, no additional license shall be imposed upon such person firm or corporation for transacting the same business outside the corporate limits and within the police jurisdiction of such city; and provided further that the amount of any such license fixed and collected with respect to any manufacturing business, or with respect to any retail store where the amount of the license is based upon the value of the stock of goods on hand, shall not exceed one-half of the amount of license fixed for the same business when transacted within the corporate limits of the city.

Section 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after its approval by the Governor.

Approved August 27, 1927.

No. 407)

(H. 387. Sanders of Pike

AN ACT

For the purpose of finding out new scientific facts in regard to the use of fertilizer for farm and truck crops, the adaptation and improvement of varieties of crops, the establishments and improvement of pastures, the production of feed and forage crops, the economic production and management of live-stock, the production of fruits, vegetables, nuts and citrus fruit, the control of insect pests, plant and live-stock diseases, and other similar important agricultural and economic problems having for their object the development of a more permanent, more profitable and diversified agriculture, there is hereby created and provision made for the maintenance of sub-agricultural experiment stations, one upon each of the five main large soil types of the State as represented in the Tennessee Valley, the Sand Mountain Section, the Black Belt, the Wiregrass and the Gulf Coast area; to create a commission to locate said sub-stations and to provide for its per diem and expenses; to provide for the carrying on of research work on Experimental Fields in different parts of the State; to make appropriations to the Board of Trustees of the Alabama Polytechnic Institute for carrying out the purposes of this Act; to provide for the administration and direction of this work; to authorize and empower county boards of revenue or county commissioners, or other bodies having similar jurisdiction in the several counties of the State, individuals, firms, organization, corporations, companies or municipalities to make

donations and appropriations for the purchase of land and equipment for said sub-stations; to authorize the Board of Trustees of the Alabama Polytechnic Institute to accept such donations.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby created five sub-agricultural experiment stations, one to be located in the area generally known as the Tennessee Valley, one in the area generally known as the Sand Mountain Section, one in the area generally known as the Black Belt, one in the area generally known as the Wiregrass, and one in the area generally known as the Gulf Coast area. That the objects and purposes of said sub-agricultural experiment stations and experimental fields shall be to conduct investigations or make experiments bearing directly on the production, manufacture, preparation, use, distribution, and marketing of agricultural products, and including such scientific researches as have for their purpose the establishment and maintenance of a permanent and efficient agricultural industry, and such economic and social investigations as have for their purpose the development and improvement of the rural home and rural life, and for the printing and dissemination of the results of said researches.

Section 2. Two of said sub-agricultural experiment stations may be established during the fiscal year beginning October 1st, 1927 and ending September 30th, 1928, and three during the fiscal year beginning October 1st, 1928, and ending September 30th, 1929. If for any reason said sub-agricultural experiment stations are not established within the period heretofore named, the same may be established at any subsequent time. No sub-agricultural experiment station shall be located in any region herein named until a suitable area, comprising not less than two hundred (200) acres of cultivatable land is donated to the Alabama Polytechnic Institute on which to carry out the purposes of this Act. The Alabama Polytechnic Institute shall be vested with a fee simple title thereto, which shall be approved by the Attorney General and the suitability of said lands for the purpose of this Act shall be approved by the Commission hereinafter named.

Section 3. The Director of the Experiment Station of the Alabama Polytechnic Institute, who shall be chairman; the Commissioner of Agriculture and Industries; and one outstanding farmer, who shall be appointed by the Governor, shall constitute a commission whose duties it shall be to visit and study in detail the areas named, giving especial emphasis to the character and type of the soil which would be most typical and representative of the region and including such other important items as convenience of location and accessibility, all with the view of making the result of the research work most helpful and

most useful to the agriculture of the area. No property shall be accepted for any of the purposes of this Act until its suitability therefor has been approved in writing by said commission.

Section 4. The Alabama Polytechnic Institute, through its director of the experiment station, is also authorized and required to conduct research work on not less than ten farms in different parts of the State, which farms shall be designated as Experimental Fields. The farms used for said experimental fields shall be donated to the Alabama Polytechnic Institute, provided however, that experimental fields may be conducted on farms, the use of which shall be donated to the Alabama Polytechnic Institute under such conditions as the Alabama Polytechnic Institute, through its director of the experiment station, deem sufficient to accomplish the purposes of such experimental fields.

Section 5. That county boards of revenue or county commissions, or other bodies having similar jurisdiction in any county in the State and any municipality in the State of Alabama shall have full power and authority to appropriate funds for any of the purposes of this Act. That the Board of Trustees of the Alabama Polytechnic Institute is hereby authorized and empowered to receive such donations as well as donations from individuals, firms, organizations, corporations and companies for forwarding the purposes of this Act, provided that any land so donated shall be conveyed to the Alabama Polytechnic Institute in fee simple.

Section 6. There is hereby appropriated to the Alabama Polytechnic Institute from any funds in the State Treasury not otherwise appropriated, the sum of \$125,000 to be used for the construction of necessary dwellings, barns, outhouses, fences and for the purpose of other physical equipment for said sub-agricultural experiment stations, provided, however, that \$25,000.00 shall be used for each of said Stations. When the commission hereinbefore created files a written report with the State Auditor showing that it has sufficiently located the sub-agricultural experiment station in the area named, the State Auditor shall draw a warrant upon the State Treasurer in favor of the Alabama Polytechnic Institute for the amount of \$25,000.00 to be used as hereinbefore designated for said sub-agricultural station. There is also appropriated from any funds in the State Treasury not otherwise appropriated, the sum of \$12,500.00 annually to each sub-agricultural experiment station for the purpose of maintaining and operating said sub-agricultural station. The appropriation of \$12,500.00 for the annual maintenance and operation of each sub-agricultural experiment station shall be paid quarterly, in advance, on the first day of January, April, July and October, of each year, the warrants

to be drawn upon the requisition of the President of the Alabama Polytechnic Institute upon the State Auditor certifying that said sub-agricultural experiment station has been established and is being operated, whereupon the State Auditor shall draw a warrant upon the State Treasurer in favor of the Alabama Polytechnic Institute for said amount.

Section 7. Any revenue derived from the sale of crops, animals, fruits, vegetables, or other proceeds secured from the operation of each sub-agricultural experiment station or the sale of any equipment shall apply to any of the lines of work authorized by this Act on the sub-station from which such sales are made.

Section 8. There is hereby appropriated to the Alabama Polytechnic Institute in addition to the appropriation heretofore made from any funds in the State Treasury, not otherwise appropriated, the sum of \$24,000.00 annually for the purpose of maintaining research works on the Experimental Fields for which provision has hereinbefore been made. This appropriation is for the maintenance of the experimental fields which become available upon the establishment of said experimental field and shall be paid quarterly, in advance, in the same manner as provided for the payment of the appropriation for the maintenance of sub-agricultural experiment stations. Provided, however, that prior to the establishment of ten experimental fields that not more than 1-10 of this appropriation for any one Station shall become available by the President of the Alabama Polytechnic Institute certifying that an experimental field has been established. All unexpended balances of any of the items herein appropriated shall be held to the credit of the particular project to which it was appropriated and used for such purposes in such work during succeeding years. The members of the commission hereinbefore created shall be entitled to receive their actual expenses incurred during the discharge of the duties required by this Act and the farmer member of said commission shall receive in addition to said expenses the sum of \$10.00 for each day he is engaged in performing duties as such commissioner. Said expenses shall be paid out of the State Treasury upon the approval of the Governor.

Section 9. That all research work as proposed by the spirit and purpose of this Act shall be carried out under the supervision of the Director of the Experiment Station of the Alabama Polytechnic Institute who shall make a full and complete report to the President of the Alabama Polytechnic Institute at the end of each fiscal year. Said report shall show the character and type of work conducted, the results of the work, as well as the expenditures.

Section 10. In the event any lands are approved by the Commission as suitable for sub-agricultural experiment stations, or approved by the Director of the Experiment Station of the Alabama Polytechnic Institute as suitable for experimental fields and any county, city or person is willing to pay the purchase price of said property that it may be devoted to such public use and the person owning the same is unwilling to convey the same to the Alabama Polytechnic Institute at a reasonable purchase price the Governor may proceed to have the same condemned for such public use in the name of the State of Alabama as provided in Article 1 of chapter 286 of the Code of Alabama of 1923, which includes Sections 7476 to 7506, both inclusive, provided, however, that no condemnation process herein authorized shall be begun until the county, city, or person undertaking to pay the purchase price shall have entered into an agreement, prepared by the Attorney General, to promptly pay all judgments, costs and expenses of such condemnation proceeding and shall have given bonds in some bonding company authorized to do business in the State of Alabama, to faithfully and promptly execute said agreement. The agreement for which provision is made in this Act shall be filed with the Governor and the bond required shall be filed therewith and be approved by the Governor.

Section 11. This Act shall go into effect upon its approval and all laws or parts of laws in conflict herewith are hereby expressly repealed.

Approved September 10, 1927.

No. 408)

(H. 705. Hubbard

AN ACT

To amend Sections 9384, 9386, 9394 and 9396, And To Repeal Sections 9392 and 9393 Of The Code of Alabama, 1923, Relating To Limited Partnerships.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That Section 9384 of the Code of Alabama, 1923, be and the same is hereby amended to read as follows: 9384. (5266) (3208) (1706) (2064) (1800) (1494) Liability of general and special partners respectively. Such partnership may consist of one or more persons, who are general partners, and are, jointly and severally, responsible as general partners now are by law; and of one or more persons, who contribute in actual cash-payments a specific sum as capital to the common stock, who are called special partners, and who are not liable for the debts of the partnership beyond the funds so contributed to the

capital; provided that any special partner may become liable for such an additional amount as he may name, over and above the amount of the funds so contributed by him, by fixing the same in the certificate hereinafter provided for.

Sec. 2. That Section 9386 of the Code of Alabama, 1923, be and the same is hereby amended to read as follows: 9386. (5268) (3210) (1708) (2066) (1802) (1496). Proceedings to form limited partnership. The persons desirous of forming such partnership must make and severally sign a certificate containing: (1) The name or firm under which such partnership is to be conducted: (2) The general nature of the business to be transacted. (3) The names of all the general and special partners interested therein, distinguishing which are general, and which are special partners, and their respective places of residence. (4) The amount of capital which each special partner has contributed to the common stock. (5) The period at which such partnership is to commence and terminate. (6) The amount, or amounts, which any one or more of the special partners agree to become liable for in addition to the amount of capital which he, or they, has contributed to the common stock. (7) That such certificate must be acknowledged and sworn to by one or more of the general partners before an officer authorized to take acknowledgments who must endorse such acknowledgment and sign the same.

Sec. 3. That Section 9394 of the Code of Alabama, 1923, be and the same is hereby amended to read as follows: 9394. (5276) (3218) (1716) (2074) (1810) (1504) Renewals made as the first partnership was formed. Every renewal or continuance of such partnership beyond the time originally fixed for its duration must be certified, acknowledged, recorded, and an affidavit of a general partner made and filed, as required for its original formation; and every such partnership which is otherwise renewed or continued must be deemed a general partnership. Additional general or special partners, who shall be liable as are the original general or special partners, may be added to the partnership by filing in the office of the Judge of Probate a certificate the same as is required for its original formation, acknowledged and sworn to by one or more of its general partners before an officer authorized to take acknowledgments.

Sec. 4. That Section 9396 of the Code of Alabama, 1923, be and the same is hereby amended to read as follows: 9396. (5278) (3220) (1718) (2076) (1812) (1506) The Firm name must be followed by the word "Limited". The business of the partnership must be conducted under the firm name as given in the certificate followed by the word "Limited;" and all contracts made by said partnership, or under its authority, without the use of the word "Limited" following the partnership's name, shall bind all the partners generally.

Sec. 5. That Section 9392 and 9393 of the Code of Alabama, 1923, be and the same are hereby repealed.

Section 6. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed.

Approved August 27, 1927.

No. 410)

AN ACT

(H. 382. Sanderson

To Amend Section 5526 Of The Criminal Code of Alabama.

Be it Enacted by the Legislature of Alabama, that Section 5526 of the Criminal Code of Alabama of 1923 be and the same is amended to read as follows: Section 5526 Salary of Assistant Circuit Solicitor. Said Assistant Solicitor shall receive as compensation Forty-two hundred (\$4,200.00) Dollars per annum, eighteen hundred (\$1,800.00) Dollars of which shall be payable out of the State Treasury, as salaries of solicitors are paid, and twenty-four hundred (\$2,400.00) Dollars to be paid out of the General Funds of the County Treasury in equal monthly installments. That this act shall take effect immediately upon its passage and approval by the Governor.

Approved August 27, 1927.

No. 412)

AN ACT

(H. 374. Fite

To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution of Alabama, whereby the following municipal corporations, to-wit: Winfield, Marion, Bay Minette, Robertsedale, Foley, Prattville, York, Jackson, Collinsville, Ft. Payne, Luverne, Brantley, Glenwood, Red Bay, Tarrant City, Dadeville, Thomasville, Northport, Hartselle, Haleyville, Talladega, Daphne, Oneonta, Cullman, Leeds, Eutaw, Guin, Sylacauga, Millport and Sulligent, Ozark, Ariton, Midland City and Demopolis, through their respective constituted governing authorities, may levy and collect a rate of taxation in any one year on the property situated therein, not exceeding one per centum of the value of such property as assessed for State taxation during the preceding year; provided that the adoption of this amendment shall in nowise affect, limit, modify, abridge or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the quali-

fied electors of the State of Alabama for their consideration at the next general election, to-wit: "The following municipal corporations, to-wit: Winfield, Marion, Bay Minette, Robertsedale, Foley, Prattville, York, Jackson, Collinsville, Ft. Payne, Luverne, Brantley, Glenwood, Red Bay, Tarrant City, Dadeville, Thomasville, Northport, Hartselle, Haleyville, Talladega, Daphne, Oneonta, Cullman, Leeds, Eutaw, Guin, Sylacauga, Millport and Sulligent, Ozark, Ariton, Midland City and Demopolis, through their respective constituted governing authorities, may levy and collect a rate of taxation in any one year on the property situated therein, not exceeding one per centum of the value of such property as assessed for State taxation during the preceding year; provided that the adoption of this amendment shall in no wise affect, limit, modify, abridge, or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for."

Section 2. That it shall be the duty of the Governor to give notice by proclamation, to be published in one newspaper in each county in the State at least eight successive weeks next preceding the day hereby appointed for such election on the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration together with the proposed amendment.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided, the qualified voters shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz., "Shall the following be adopted as an amendment to the Constitution of Alabama: 'The following municipal corporations, to-wit: Winfield, Marion, Bay Minette, Robertsedale, Foley, Prattville, York, Jackson, Collinsville, Ft. Payne, Luverne, Brantley, Glenwood, Red Bay, Tarrant City, Dadeville, Thomasville, Northport, Hartselle, Haleyville, Talladega, Daphne, Oneonta, Cullman, Leeds, Eutaw, Guin, Sylacauga, Millport and Sulligent, Ozark, Ariton, Midland City and Demopolis, through their respective constituted governing authorities, may levy and collect a rate of taxation in any one year on the property situated therein, not exceeding one per centum of the value of such property as assessed for State taxation during the preceding year; provided that the adoption of this amendment shall in no wise affect, limit, modify, abridge, or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or here-

after vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.” Following the proposed amendment on the ballot shall be printed the word “Yes” and immediately under that shall be printed the word “No.” The choice of the electors shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in the State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provision concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor.

Approved September 10, 1927.

No. 413)

(H. 653 Christian

AN ACT

To amend Section 2984, Code 1923.

Be it Enacted by the Legislature of Alabama:

That Section 2984, Code of 1923, be and the same is hereby amended so as to read as follows: Section 2984. Appropriation and payment of same. For the purpose of support and maintenance of a Hospital for Confederate Soldiers at Mountain Creek, Alabama, including help and servants, nurses and other necessities therefor, there is appropriated annually the sum of Thirty-six (\$3,600.00) Dollars. For necessary and proper repairs for the upkeep of the fences, farm, live stock and other temporary and proper repairs, and for insurance of the buildings, and other property of the Home there is appropriated annually the sum of One Thousand (\$1,000.00) Dollars. For the care, support and maintenance of each inmate in the home there is appropriated annually to the Home the sum of not less than Three

Hundred (\$300.00) Dollars and not more than Four Hundred (\$400.00) Dollars for each inmate, the amount to be expended to be determined by the Board of Trustees or Board of Control of the Home with the approval of the Governor. For the personal use and benefit of each inmate, the sum of Five (\$5.00) Dollars per month so long as they remain inmates of such Home, which amount shall be paid to the inmates themselves. For the purpose of paying the salaries of all officers of the Home, there is annually appropriated the sum of Four Thousand (\$4,000.00) Dollars, which salaries are as follows: Commandant Two Thousand (\$2,000.00) Dollars per annum, Adjutant One Thousand (\$1,000.00) Dollars per annum; the Resident Physician One thousand (\$1,000.00) Dollars per annum. All the foregoing appropriations shall be paid out of the State Treasury upon warrants drawn by the State Auditor on orders to be approved by the Executive Committee of the Board of Control of the Soldiers' Home at Mountain Creek, Alabama, and with the approval of the Governor and shall be presented and approved as herein provided.

Approved August 27, 1927.

No. 414)

(H. 125 Ward of Tuscaloosa

AN ACT

To amend Section 8274 of the Code of Alabama of 1923, relating to married women over eighteen years of age being relieved of disabilities of minority.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 8274 of the Code of Alabama 1923, be, and the same is hereby amended so as to read as follows: 8274 (4499) (2531) Married women, and widows over eighteen years relieved of disabilities of minority. The marriage of any woman in this State, who is under twenty-one and over eighteen years of age, or any one who becomes a widow in this State, who is under twenty-one and over eighteen years of age, or, at the arrival at the age of eighteen years of any married woman, or widow in this State, has the effect immediately to remove her, or their disabilities of minority; and thereafter she has the same legal rights and abilities as married women, or widows over twenty-one years of age.

Approved August 27, 1927.

No. 415.)

(H. 805. Hughes)

AN ACT

To amend Section One of Article II of an Act entitled "An Act to Provide a Complete Educational System for the State of Alabama," approved September 26, 1919.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Article 11 of an Act entitled "An Act to provide a complete educational system for the State of Alabama," approved September 26, 1919, be amended so as to read as follows: "Section 1. Upon a petition signed by two hundred or more qualified electors of the county who are also free holders to the court of county commissioners or court of like jurisdiction in any county within the State of Alabama, the said court shall order an election to determine whether or not a special tax of one mill shall be levied for the support of the public schools within said county as hereinafter provided."

Section 2. That the provisions of this Act shall go into effect immediately upon its passage and approval by the Governor.

Approval August 25, 1927.

No. 416.)

(H. 1122. Ward of Tuscaloosa)

AN ACT

To adopt the Code of laws relating to education, prepared in accordance with the provisions of the Act approved August 11, 1927, entitled "An Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to education."

Be it Enacted by the Legislature of Alabama:

Section 1. That the work prepared by Harwell G. Davis, as Code Commissioner, under and in accordance with the provisions of the Act approved August 11, 1927, entitled "An Act to provide for the revision, codification, digesting and promulgation of the public statutes of Alabama relating to education," as shown by the manuscript filed by the said Harwell G. Davis with the Governor on the 12th day of August, 1927, which said work has been recommended for adoption by the Joint Committee of the two Houses of the Legislature authorized and appointed to read and report on the same, is adopted and enacted as The Educational Code of Alabama, and shall regulate completely so far as a statute can the subjects to which it relates. Said Code shall go into force and be operative on the thirtieth day after the date of the Governor's proclamation announcing its publication.

Section 2. No act passed after the 1st day of August 1927 shall be repealed or affected in any manner by the adoption of this Code, but such acts as amend provision of this Code or relate to the subjects included therein shall be printed in said Code. No act passed after the 1st day of August 1927 shall be construed to repeal any provision of said Code unless such repeal is direct or is necessary to make the provision of such Act operative. Nothing contained in or omitted from said Code shall repeal any appropriation.

Section 3. After the adoption of said Code the same shall be indexed by the said Harwell G. Davis and annotated as now required by the Act providing for the codification of said laws; but in the preparation of said Educational Code for publication and indexing the same that the said Harwell G. Davis shall have the authority, if necessary, to change the numbers of any sections and prepare captions for each article or chapter and for each section, provided that he shall not have the right to in any way change the meaning, wording or effect of any provisions as adopted.

Section 4. That the indices to said Code shall be filed with the Governor within three months after the Code has been adopted, and thereupon the Governor shall cause to be printed such number of said Code as he may deem necessary to supply the various officers of the State and counties, and the school authorities, to be used by the Department of Education in the mutual exchange of laws with other states and for sale to the general public. The price of said Code shall be fixed by the Governor at not over ten per cent (10%) above the cost of printing and handling same.

Section 5. The adoption of this Code shall not repeal any criminal provision not in conflict with or repealed by the provisions of this Code.

Section 6. That no provision in the Code shall repeal any local law relative to selection of a county superintendent of education.

Approved August 27, 1927.

No. 417)

AN ACT

(H. 539 Denson

To provide and submit to the qualified electors of the State of Alabama at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature an amendment to the constitution of Alabama authorizing all counties to incur bonded indebtedness in addition to all indebtedness now authorized by the Constitution, or any amendment thereto prior to the date of this amendment, in an amount not exceeding one and one half per centum of the assessed value of property therein, as assessed for state taxation, provided such additional bonded indebtedness is authorized by a majority vote by ballot of the qualified voters of such county voting upon such proposition.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows: All counties are hereby authorized to incur bonded indebtedness, in addition to all indebtedness now authorized by the constitution of Alabama, or any amendment thereto prior to the date of this amendment, in an amount not exceeding one and one half per centum of the assessed value of property therein, as assessed for State taxation, provided such additional bonded indebtedness is authorized by a majority vote by ballot of the qualified voters of such county voting upon such proposition, providing that this amendment shall not apply to Montgomery County, Alabama, and provided, however that the provision of the amendment shall not apply to Mobile County.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the Treasury of the State in the same manner as the expenses of other elections are paid.

Approved August 27, 1927.

No. 419)

(S. 342. Fite

AN ACT

To authorize cities which now have or which may hereafter have a population of 100,000 or more inhabitants according to the last or any succeeding Federal census, to install street lighting facilities and to assess the cost against property abutting the streets upon which such facilities are located to the extent of the increased value of such property by reason of the special benefits derived from such improvements.

Be it Enacted by the Legislature of Alabama:

Section 1. All cities of the State of Alabama which have a population of as much as 100,000 inhabitants according to the last or any succeeding Federal census, shall have the power to install or construct, or cause to be installed or constructed, upon or in the streets, avenues, boulevards and other public ways

thereof, or any part or parts of such streets, avenues, boulevards, or other public ways, conduits, cables, wires, switches, lamp posts, lamps, and other electrical apparatus, with the necessary appurtenances thereto, for the transmission of electrical energy and the conversion of such electrical energy into light for such streets, avenues, boulevards and other public ways, and may cause the cost and expense of all or any part thereof to be assessed against the property abutting on the streets, avenues, boulevards or other public ways in or upon which the said conduits, cables, wires, switches, lamp posts, lamps, and other electrical apparatus and appurtenances are located, to the extent of the increased value of such property by reason of the special benefits derived from said improvements, but whenever any assessment shall be made for the cost and expense of the installation or construction of such improvements, it shall be the duty of the municipality making such assessment to maintain said conduits, cables, wires, switches, lamp posts, lamps, and other electrical apparatus and appurtenances, and to furnish electrical energy to such lamps, for a period of at least five years from the date of such assessment.

Section 2. When any improvement falling within the provisions of the preceding section shall have been authorized by the governing body of the City and shall have been completed, the mayor or other chief executive of the city shall cause to be prepared a roll or list showing the names of the property owners, and opposite each name a description of each lot or parcel of land proposed to be assessed for such improvement, belonging to such owner or owners, and the amount proposed to be assessed against each lot or parcel of land.

Section 3. Such list shall be entered in the "Assessment Book for Local Improvements" and shall be a public record, and no error or mistake in regard to the name of the owner shall be held to invalidate any assessment, and it shall be sufficient if the name of the last owner as shown by the records in the Office of the Probate Judge of the County is shown in said book.

Section 4. After the completion of the proper entries of such improvement, the City Clerk shall give notice by publication one time in some newspaper published in said city, or of general circulation therein, that said assessment roll or list is open for inspection in the office of the person authorized to make collection of said assessments.

Section 5. At a time and place in said notice mentioned, not less than twenty days from the date of publication, the Council will meet to hear and determine any objections or defenses that may be filed to such assessment or the amount thereof.

Section 6. Said notice shall also state the general character of the improvement, the terminal points thereof, and the streets,

avenues, boulevards or other public ways or portions thereof along which the improvement has been constructed.

Section 7. If there be a defect in said notice or proceedings, before or subsequent to said notice, with respect to one or more interested persons, the same shall not affect such notice or proceedings except insofar as it may touch the interest or property of such person or persons, and shall not avail any other person concerned therein. In case of such defect, supplementary proceedings of the same general character as those hereinbefore prescribed may be had in order to supply such defect.

Section 8. The owners of any real estate or any interest therein, which it is proposed to assess for the cost, or any part thereof, of said improvement, may appear at any time on or before the date named in said notice, or at said meeting, and file in writing with the clerk or in his office any objections or defense to the proposed assessment against said property, or to the amount thereof, and persons who do not file objections in writing or protests against such assessment shall be held to have consented to the same.

Section 9. The council shall hear and pass upon all objections and protests against the proposed assessments, under such reasonable rules and regulations as they may adopt.

Section 10. The council, by the mayor or clerk, or other executive officer, may issue subpoenas for witnesses to appear before the council or any committee thereof and may administer oaths to the witnesses to be examined.

Section 11. At such meeting or any adjourned meeting the council shall proceed by order or resolution to fix the amount of the assessment against each lot or tract of land described and included in said assessment roll, and all such assessments, from the date of such order or resolution, shall be and constitute a lien on the respective lots or parcels of land upon which they are levied, superior to all other liens, except those of the state or county for taxes, provided however, that no assessment authorized by this Act shall be valid unless the same be made within 180 days after completion of the improvement authorized by the council.

Section 12. The council of such city may transfer and assign such liens to the contractor or contractors who made said improvements, or to any other person.

Section 13. The enforcement by the state, county, or city, of its lien for taxes on any lot upon which has been levied an assessment for any improvement authorized by this act, shall not operate to discharge, or in any manner affect the lien of the municipality for said assessment, but a purchaser at a tax sale by the state, county, or city of any lots or parcel of lands upon which an assessment has been levied, shall take the same subject to such assessment.

Section 14. Nor shall the enforcement by the municipality of its lien for an assessment levied for one improvement by the sale of the property operate to discharge or in any way affect the lien of any other assessment for a different improvement on the same property, but the purchaser at such sale shall take subject to the lien of all other assessments, and the right of the municipality to enforce the same.

Section 15. Any person aggrieved by the decision of the council in making any assessment may, within twenty days thereafter, appeal to the Circuit Court, or any other court of like jurisdiction, upon executing a bond in double the amount of the probable cost of the appeal.

Section 16. The amount of such bond shall be fixed and the sureties thereon shall be approved by the mayor, and the said bond shall be conditioned to prosecute said appeal to effect and pay the city or town any judgment that the circuit court or other court may render, and all damages that any person may suffer by such appeal.

Section 17. Said appeal shall be docketed in said court, and shall be a preferred case therein.

Section 18. Upon the filing with and the approval of the appeal bond by the mayor, the clerk, upon notice thereof, shall immediately send to the clerk of the circuit court, or other court to which the appeal may be taken, a transcript of all the proceedings of the council relating to such assessment, so far as the same concerns the property of the appellant. Such transcript shall contain a description of the property of such party or parties, the same to be described as accurately as possible according to the map of the city or town in common use, if there be such map; the name of the owner or owners of such property and the amount of the assessment.

Section 19. Upon hearing such appeal, the introduction of such transcript and papers shall be prima facie evidence of the correctness of such assessment, and that said property and persons are justly indebted to the city for the amount of said assessment.

Section 20. The said cause may be tried on the record without other pleadings and the court shall hear all objections of the property owner or owners to said assessment and the amount thereof; and shall determine whether or not such assessment exceeds the increased value of such property by reason of the special benefits derived from the improvement, and shall render judgment accordingly.

Section 21. If on the hearing of such appeal, it shall appear that by reason of any technical irregularity or defect in the proceedings, the assessment has not been properly made against the lot or parcel of land sought to be charged, the court may, never-

theless, on application of the city, upon satisfactory proof that expense has been incurred which is a proper charge against the lot or land in question, render judgment for the amount properly chargeable against said lot or land; but in such case the court shall make such order for the payment of the costs as it may deem proper.

Section 22. In the event the final judgment is rendered in favor of the city, execution may be issued thereon against the principal and sureties on the appeal bond, unless the amount of the judgment and decree is paid within five days from the date of such judgment, and the court shall, by further order, decree that the property assessed be sold to satisfy such judgment. Nothing contained in this article shall operate to release or discharge the lien on such property unless the assessment is fully paid.

Section 23. Said assessments shall be paid in cash within sixty days from the date of the assessment, together with interest at a rate not to exceed eight per cent per annum.

Section 24. Upon default in payment of the assessment, the officer designated by the council to collect the assessments shall proceed to sell the property against which the assessment is made to the highest bidder for cash, after having first given notice of the time, place and purpose of such sale, together with a description of the property to be sold, by publication once a week for three consecutive weeks in some newspaper published in the City or of general circulation therein.

Section 25. Any property owner, notwithstanding his default, may pay the assessment with interest and all costs if tendered before a sale of the property.

Section 26. The cost of such advertisement and sale shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale.

Section 27. The officer making such sale shall execute a deed to the purchaser, which shall convey all the right, title and interest which the party against whose property the assessment was made, had, or held in said property at the date of making such assessment or on the date of making such sale. Any surplus arising from said sale shall be paid into the city treasury, to be kept as a separate fund by the treasurer for the owner upon the responsibility of his official bond. The council may, by its agent, purchase real estate sold as provided under this article, and in the event of such purchase, the deed for the same shall be made to the city.

Section 28. Such property may be redeemed by the owner, or his assigns, or other person authorized to redeem property sold for taxes by the State of Alabama within two years from the date of the sale, by paying to the purchaser or the city treasurer

for him the amount for which the property was sold, with interest thereon at the rate of fifteen per cent per annum from the date of sale, together with a fee of two dollars for the expenses of a conveyance.

Section 29. No mistake in said publication, in the description of the property, or in the name of the owner, shall vitiate the assessment or the lien, and if, for any reason, the sale made by the city be ineffectual to pass title, it shall operate as an assignment of the lien, and upon the request of the purchaser, supplementary proceedings of the same general character as herein required may be had to correct the errors in said proceedings for his benefit, or the lien so assigned to him may be enforced in equity.

Approved August 30, 1927.

No. 420)

(H. 1140. Goodwyn.

AN ACT

To amend Section 17 of an act entitled an act to provide and create a Commission form of Municipal Government and to establish same in all Cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last federal census, or any such census which may hereafter be taken: to regulate the selection and election of Commissioners and their terms of office to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder: to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government. Approved September 18, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 17 of an act entitled an act to provide and create a Commission form of Municipal Government and to establish same in all Cities of Alabama which now have or which may hereafter have a population of as much as twenty-five thousand and less than fifty thousand people, according to the last federal census, or any such census which may hereafter be taken: to regulate the selection and election of Commissioners and their terms of office to fix their powers, duties and compensation, to punish improper conduct in connection with elections and petitions hereunder: to abolish police commissioners, aldermen and certain other city officials, and otherwise provide for the creation and maintenance of said Commission form of government, approved September 18, 1923, be and the same is hereby amended so as to read as follows: Section 17. Until the first Monday in October 1915 the salary of the president of the commission shall be forty-five hundred dollars (\$4500.00) per annum pay-

able in monthly installments at the end of each calendar month out of the city treasury. After the first Monday in October 1915 and until the first Monday in October 1919, the salary of the president of the commission shall be three thousand dollars per annum payable in monthly installments of two hundred and fifty dollars at the end of every calendar month out of the city treasury. After the first Monday in October 1919 the salary of the president of the commission shall be forty-five hundred dollars per annum payable in equal monthly installments at the end of each calendar month out of the city treasury. After the first Monday in October 1919 the salary of each of the other commissioners shall be thirty-six hundred dollars per annum, which shall be paid out of the city treasury in equal monthly installments at the end of each calendar month. After the first Monday in October 1923, the salary of the President of the Commission shall be \$6,000.00 per annum payable in equal, monthly installments at the end of each calendar month out of the City Treasury. After the first Monday in October 1923, the salary of each of the other Commissioners shall be \$4500.00 per annum payable in equal monthly installments at the end of each calendar month out of the City Treasury, and the President of such Commission shall be paid for ex officio services in a similar manner the sum of \$1500.00 per annum, and each other Commissioner shall receive the sum of \$600.00 per annum on and after the first Monday in October 1927.

Approved August 27, 1927.

No. 421.)

AN ACT

(H. 994. Hawkins)

To amend Section 5 of an Act approved August 28, 1915, and entitled: "An Act to regulate and restrict the expenditures made or contracted to be made, by each city in the State of Alabama which now has, or which may hereafter have, a population of more than one hundred thousand, according to the last Federal census, or any such census which may hereafter be taken, and to provide for the impeachment and removal from office of each person, a member of the governing body of such city, who wilfully causes, abets or permits any unlawful expenditure to be made or contracts by such city."

Be it Enacted by the Legislature of Alabama:

That Section 5 of an Act approved August 28, 1915, entitled: "An Act to regulate and restrict the expenditures made, or contracted to be made, by each city in the State of Alabama which now has, or which may hereafter have, a population of more than one hundred thousand, according to the last Federal census, or any such census which may hereafter be taken, and to

provide for the impeachment and removal from office of each person, a member of the governing body of such city, who wilfully causes, abets or permits any unlawful expenditure to be made or contracts by such city," be and the same is hereby amended to read as follows: Section 5. The word year as used in this Act means fiscal year, and such fiscal year shall begin on the first day of September of each calendar year and end twelve months thereafter, and the same shall not hereafter be changed by such city.

Approved August 25, 1927.

No. 422.)

AN ACT

(H. 830. Morrow

To repeal an act entitled an act, "to provide for building and maintaining public highways through incorporated towns and cities by Boards of Revenue and Courts of County Commissioners in all counties of two hundred thousand inhabitants or more, out of any money at any time subject to the disposal of such Boards of Revenue and Courts of County Commissioners in all counties of two hundred thousand inhabitants or more, out of any money at any time subject to the disposal of such Boards of Revenue and Courts of County Commissioners for road purposes", approved March 17th, 1915.

Be it Enacted by the Legislature of Alabama:

Section 1. That an act entitled an act "to provide for building and maintaining public highways through incorporated towns and cities by Boards of Revenue and Courts of County Commissioners in all counties of two hundred thousand inhabitants, or more, out of any money at any time subject to the disposal of such Boards of Revenue and Courts of County Commissioners for road purposes," approved March 17th 1915, be and the same is hereby repealed.

Approved August 30, 1927.

No. 428)

AN ACT

(H. 354. Poole

To amend Section 7489 of the Code.

Section 1. *Be it Enacted by the Legislature of Alabama* that Section 7489 of the Code of Alabama be, and the same is hereby amended to read as follows: 7489 (3872) COMPENSATION NOT REDUCED OR DIMINISHED BECAUSE OF INCIDENTAL BENEFITS. The amount of compensation to which the owners and other parties interested therein are en-

titled must not be reduced or diminished because of any incidental benefits which may accrue to them, or to their remaining lands in consequence of the uses to which the lands to be taken, or in which the easement is to be acquired, will be appropriated; Provided that, in the condemnation of lands for ways and rights of ways for public highways, the commissioners may, in fixing the amount of compensation to be awarded the owner for lands taken for this use, take into consideration the value of the enhancement to the remaining lands of such owner that such highway may cause.

Section 2. Be it further enacted by the Legislature of Alabama, that this Act shall go into effect immediately upon its approval by the Governor.

Approved August 30, 1927.

No. 430.)

AN ACT

(H. 869. Morrow

To make each County in the State of Alabama, which now has over One Hundred and Fifty Thousand population, according to the last census taken by the United States of America, or which may hereafter have over One Hundred and Fifty Thousand population, according to a census which may hereafter be taken by the United States of America, a Stock Law District, and to make it unlawful for stock to run at large in such Stock Law District, subject to the same penalty or penalties and in the same manner and way as is provided by general laws of the State of Alabama, pertaining to other Stock Law Districts in the State.

Be it Enacted by the Legislature of Alabama as Follows:

Section 1. That each County in the State of Alabama which now has over One Hundred and Fifty Thousand population according to the last census taken by the United States of America, or which may hereafter have a population of over One Hundred and Fifty Thousand according to any census that may hereafter be taken by the United States of America, is hereby made a Stock Law District, and it is hereby made unlawful for stock to run at large in such Stock Law District, or County.

Section 2. That stock running at large in any such Stock Law District and the owners or custodians of same shall be penalized under the same penalties and in the same manner and way and under the same procedures as stock running at large in any other Stock Law District In The State and as owners or custodians of same are now penalized under the general laws of the State.

Section 3. That this law shall go into force and effect ninety days after its passage and approval by the Governor.

Approved August 30, 1927.

No. 439)

(H. 1025. Jordan of Etowah

AN ACT

To designate and establish a State Trunk Road from Attalla, in Etowah County to Springville, in St. Clair County, Alabama, and to provide for its construction and maintenance by the State Highway Department.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby designated and established a State Trunk Road from Attalla, in Etowah County, by way of or near Steele, and Whitney to Springville in St. Clair County, Alabama. Said road to be designated and known as Highway Number (2).

Section 2. The State Highway Commission shall in its discretion and when funds are available construct and assume control and maintenance of said Highway out of the same funds and under the same rules and regulations as all other State Highways.

Approved September 10, 1927.

No. 441.)

(H. 822. Vickers

AN ACT

To amend Section 15 of an Act approved April 8th, 1911, and entitled "An Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of government; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government."

Be it Enacted by the Legislature of Alabama:

That Section 15 of an Act approved April 8th, 1911, entitled "An Act to provide and create a commission form of government and to authorize the adoption of the same in all cities and towns in the State of Alabama which now are not, or hereafter may not be, within the influence or operation of any other valid legislative enactment authorizing or adopting such form of govern-

ment; to regulate the selection, and election of commissioners and their terms of office and retention in and recall from office; to provide for the selection of one commissioner as mayor, and the retention in office of certain officials; to fix the powers, duties and compensation of such commissioners; to punish improper conduct in connection with elections and petitions hereunder; to abolish boards of public works, police commissioners, councilmen, aldermen, and certain other city and town officials of such municipalities as adopt the said form of government; and generally to authorize and provide for the creation and maintenance of said commission form of government," be amended so as to read as follows: Section 15: That whenever any vacancy shall occur in the office of commissioner of any city organized under the terms of this Act, by reason of death, resignation or removal, then the successor of such commissioner so dying, resigning or removed shall be elected by the two remaining members of the Board of Commissioners of such city, within thirty days from the date of the death, resignation or removal of such commissioner so dying, resigning or removed, and such successor shall serve until his successor can be elected by the people at the next regular election for commissioner, next after three months from the date of his election by the remaining commissioners. If the two remaining members of the Board of Commissioners of such city shall for any reason fail or refuse to elect a successor for the commissioner so dying, resigning or removed, within thirty days from the date of such death, resignation or removal, then and in that event the two remaining commissioners shall call an election to fill such vacancy, to be held not less than twenty or more than thirty days from the expiration of thirty days from the date of the resignation, death or removal of such commissioner so dying, resigning or removed. Notice of said election shall be given by one publication at least fifteen days in advance of the date of such election, in one or more newspapers published in said city, which publication shall be at the expense of said city. Such commissioner elected by a vote of the people under the provisions of this section shall hold office for the unexpired term for which the commissioner whom he succeeds was elected. Every person who shall be elected to the office of commissioner in any such city under the provisions of this section, or the preceding section, shall qualify for office as soon as practicable after such election, and shall be clothed with the duties, responsibilities and powers of such office immediately upon such qualification.

Approved August 30, 1927.

No. 442)

(H. 541. Lee

AN ACT

To prescribe what documents shall be admitted to record in the offices of Probate Judges of the several counties of Alabama, and to provide that their filing for record shall constitute notice of their contents.

Be it Enacted by the Legislature of Alabama:

Section 1. That all deeds, mortgages, deeds of trust, bills of sale, contracts or other documents purporting to convey any right, title, easement, or interest in any real estate or personal property, and all assignments of mortgages, deeds of trust or other securities for debt, when executed in accordance with law, shall be admitted to record in the office of the Probate Judge of any county. Their filing for registration shall constitute notice of their contents.

Section 2. This Act shall not be construed as superseding or repealing any other laws effective in Alabama relative to the subject matter herein, but shall be held and construed to be cumulative.

Approved September 9, 1929.

No. 443.)

(H. 1002. Goodwyn

AN ACT

To permit Justices of the Peace and Notaries Public, who are ex officio Justices of the Peace, residing in and exercising jurisdiction in territory annexed to any city in this state which city has a population of not less than forty thousand population and not more than fifty-five thousand according to the last Federal Census and wherein is located a Court of Common Pleas or an inferior Court with the jurisdiction of a Justice of the Peace, to continue in the exercise of the functions of their respective offices to the expiration of their present terms.

Be it Enacted by the Legislature of Alabama:

Section One. That Justices of the Peace and Notaries Public with the jurisdiction of Justices of the Peace, ex officio, residing in and exercising jurisdiction in territory annexed to any city in the State which city has a population of not less than forty thousand and not more than fifty-five thousand according to the last Federal Census wherein is located a Court of Common Pleas or inferior Court with the jurisdiction of Justices of the Peace, be and they are hereby continued in office until the expiration of their present terms of office.

Approved August 30, 1927.

No. 444)

(H. 276. Goodwyn

AN ACT

To amend Section 4569 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama that section 4569 of the Code of Alabama be and the same is hereby amended so as to read as follows: 4569. Compensation of Surgeons and Physicians. Any surgeon or physician who being duly summoned by the Coroner, makes a post mortem examination and gives a professional opinion thereon, is entitled to receive five dollars with an additional fee of ten cents for each mile he may be compelled to travel to make said examination, and said fee shall be paid out of the county treasury upon certificate of the Coroner, certifying that such services have been rendered; when any physician or surgeon, is summoned by the Coroner to perform an autopsy or internal examination, the physician or surgeon performing said autopsy or internal examination, shall be entitled to receive the sum of twenty-five dollars, to be paid out of the county treasury upon certificate of the Coroner that such service has been rendered; when an autopsy or internal examination has been performed, the physician or surgeon shall not be paid the five dollars, as provided for an external post-mortem examination, but the sum of twenty-five dollars herein provided for shall be the entire amount received for such service. Provided that if the estate of the deceased is solvent the amount herein paid by the County shall be recovered from the estate of the deceased.

Approved September 9, 1927.

No. 445)

(H. 275. Goodwyn

AN ACT

To amend Section 4559 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama that Section 4559 of the Code of Alabama be and the same is hereby amended so as to read as follows: 4559. Witnesses and surgeons summoned. The Coroner may issue subpoenas for witnesses returnable forthwith, or at such time and place as he may appoint; he must summon and examine as a witness any person who in his opinion or that of any of the jury, has any knowledge of the facts; he may also summon as a witness a surgeon or physician who must, in the presence of the jury, inspect the body, and give

a professional opinion as to the cause of death; when a Coroner has been informed that a person is dead in the county, and that said person died without being attended or examined by a legally qualified physician, the Coroner shall forthwith proceed to the place where the dead person is lying, and examine the dead body to ascertain the cause of death, and report same in the same manner as inquests are reported; when the Coroner is unable to determine the cause of death, he may summon any physician or surgeon, who shall make an external post-mortem examination of the dead body, and report his opinion of the cause of death to the Coroner in writing; if the surgeon or physician is unable to determine the cause of death from an external post-mortem examination, and the Coroner has reasonable cause to believe that deceased came to his or her death by unlawful means, the Coroner may in such cases order any physician or surgeon to perform an autopsy or internal examination on the dead body, and report the findings of said autopsy to the Coroner in writing.

Approved September 9, 1927.

No. 446)

(H. 134. Monk

AN ACT

"To provide for contests of elections held for the purpose of levying a special district tax for public school purposes."

Be it Enacted by the Legislature of Alabama:

Section 1. That any and all elections held for the purpose of having a special school tax in a school district of a county in this state may be contested as may any other election held in any county in this state for the elections of county officers.

Section 2. All laws appertaining to the contest of a general election for county offices shall govern the contest of the election as provided for in section one hereof. The contest shall be conducted and determined according to the laws governing contests of general elections of county offices. The same grounds, as are grounds for the contest of an election for a county office so far as applicable shall be grounds for the contest of an election held for the purpose of levying a special tax for public school purposes.

Approved September 9, 1927.

No. 447.)

(H. 946. Simpson)

AN ACT

To further prescribe the powers and duties of the Board of Revenue or other governing bodies in counties having a population of two hundred thousand or more according to the last or any subsequent Federal Census and to prescribe that such Board of Revenue shall fix the salaries or compensation of all deputies, assistants, clerks or other employees in the offices of the Tax Collector, Tax Assessor, Probate Judge, Clerk of the Circuit Court, Register in Chancery, Treasurer and Sheriff, and the Clerks, Bailiffs, Marshals and other employees of all Inferior Courts created in lieu of Justice of the Peace Courts and the Court Reporters where said officials are paid a salary out of the County Treasury.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in this State having a population of two hundred thousand or more, according to the last or any subsequent Federal Census, that the Board of Revenue or other governing bodies of said county shall fix the salary or compensation of all deputies, assistants, clerks, or other employees in the offices of the Tax Collector, Tax Assessor, Probate Judge, Clerk of the Circuit Court, Register in Chancery, Treasurer and Sheriff, and the Clerks, Bailiffs, Marshals and other employees of all Inferior Courts created in lieu of Justice of Peace Courts and Court Reporters where said officials are paid a salary out of the County Treasury; provided, however, that the provisions of this bill shall not apply to any officer elected by a vote of the people, or to the Register in Chancery or to the Clerks, deputies or other employees of Inferior Courts established in a place where a division of the Circuit Court is held other than at the County Site in said counties.

Section 2. That all laws and parts of laws whether local or general in conflict with this Act or inconsistent with its provisions be and the same are hereby repealed.

Section 3. That this Act shall become effective upon its approval by the Governor.

Approved August 30, 1927.

No. 448)

(H. 143. Simpson)

AN ACT

To authorize and provide for the payment of the sum of Two Thousand Five Hundred (\$2,500.00) Dollars for the relief of Perry J. Coyle of Jefferson County who was injured on the 9th day of October, 1920, while in line of duty with the National Guard of Alabama.

Whereas, Perry J. Coyle, while in line of duty with the National Guard of Alabama, on the 9th day of October, 1920, received injuries from a bullet wound by which the ligaments,

veins, arteries and muscles of his right leg were torn and destroyed, immediately above the ankle, as the result of which he suffered permanent partial loss of the use of said member; and

Whereas, no adequate compensation has been paid the said Perry J. Coyle for the said injuries:

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor be, and is hereby authorized and directed to issue his warrant on the State Treasurer in favor of the said Perry J. Coyle for the sum of two thousand five hundred (\$2,500.00) dollars, which shall be paid by the said Treasurer out of any funds in the State Treasury not otherwise appropriated.

Approved September 9, 1927.

No. 449.)

(H. 1049. Sanderson

AN ACT

To Fix the term of office of Coroner in all counties of this State, which now have or which may hereafter have a population of Seventy-Five Thousand people and less than Ninety-Five thousand people according to the last United States Census, or any census which may hereafter be taken; and to extend the present terms of office of said Coroners.

Be it Enacted by the Legislature of Alabama:

Section 1. That a Coroner in all counties of the State which now have or may hereafter have a population of Seventy-Five thousand people and less than Ninety-Five Thousand people according to the last United States Census, or any such census which may hereafter be taken, shall be elected by the qualified voters thereof, who holds office for four years from the first Monday after the second Tuesday in January next after his election.

Section 2. That the term of office of Coroner in all counties of the State mentioned in Section One of this Act, is hereby extended until the first Monday after the second Tuesday in January, 1931; the incumbent to hold office until his successor is elected and qualified.

Section 3. This Act shall take effect immediately upon passage.

Approved August 30, 1927.

No. 450.)

(H. 842. Tompkins)

AN ACT

To propose an amendment to the Constitution of the State of Alabama authorizing the State to construct and improve public school and other educational buildings in the State of Alabama, and to this end to authorize the State to issue and sell negotiable interest bearing bonds to an amount not to exceed twenty million dollars and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds and to order an election by the qualified electors of the State upon such proposed amendment to be held on the second Tuesday in January 1928.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State upon such proposed amendment and the day hereby appointed for such election is the second Tuesday in January 1928. The proposed amendment is as follows: Article XXI. Section 1. The State may engage in the construction and improvement of buildings for public schools and the institutions of higher learning, including the normal schools, in this State and to this end and for this purpose, the State is authorized to appropriate funds and also to issue and sell interest-bearing negotiable State bonds in an amount not to exceed the sum of Twenty Million Dollars to be issued in such denominations, numbers, and series to mature at such time as may be provided for by law, but such bonds shall bear a rate of interest not greater than five per cent per annum payable semi-annually and shall be sold at a price not less than par value thereof. Such bonds when issued shall be a direct obligation of the State and for the prompt and faithful payment of the principal and interest thereon, the full faith and credit of the State is hereby irrevocably pledged and such bonds shall be exempt forever from all taxes of every kind. Two Hundred Thousand Dollars of the proceeds of these bonds shall be set aside and expended for the permanent construction and permanent improvement of public school buildings in each county in the State when authorized by appropriate laws passed by the Legislature and the remainder of the proceeds of said bonds shall be set aside and expended for the permanent construction and permanent improvement of the school buildings for the institutions of higher learning, including the normal schools, in this State, when authorized by appropriate laws passed by the Legislature. To create a sinking fund for the prompt and faithful payment of the principal and interest of these bonds and for the construction and improvement of such public schools; one mill of the two and one-half mills ad valorem tax now levied by law for general purposes, is hereby set aside as a fund to be used exclusively for said

purpose until the principal and interest of said bonds shall have been paid in full. Nothing herein shall be construed as in anywise authorizing any increase in the rate of taxation now provided for by the Constitution of Alabama.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz: "Shall the following be adopted as Article XXI of the Constitution of Alabama?" Article XXI Section 1. The State may engage in the construction and improvement of buildings for public schools and the institutions of higher learning, including the normal schools, in this State, and to this end and for this purpose, the State is authorized to appropriate funds and also to issue and sell interest-bearing negotiable State bonds in an amount not to exceed the sum of Twenty Million Dollars to be issued in such denominations, numbers and series to mature at such time as may be provided for by law, but such bonds shall bear a rate of interest not greater than five per cent per annum payable semi-annually and shall be sold at a price not less than the par value thereof. Such bonds when issued shall be a direct obligation of the State and for the prompt and faithful payment of the principal and interest thereof, the full faith and credit of the State is hereby irrevocably pledged and such bonds shall be exempt forever from all taxes of all kinds. Two Hundred Thousand Dollars of the proceeds of these bonds shall be set aside and expended for the permanent construction and permanent improvement of public school buildings in each county in the State when authorized by appropriate laws passed by the Legislature and the remainder of the proceeds of said bonds shall be set aside and expended for the permanent construction and permanent improvement of the school buildings for the institutions of higher learning, including the normal schools, in this State, when authorized by appropriate laws passed by the Legislature. To create a sinking fund for the prompt and faithful payment of the principal and interest of these bonds and for the construction and improvement of such schools and said institutions named herein, one mill of the two and one-half mills ad valorem tax now levied by law for general purposes is hereby set aside as a fund to be used exclusively for said purpose until the principal and interest of said bonds shall have been paid in full. Nothing herein shall be construed as in

any wise authorizing any increase in the rate of taxation now provided for by the Constitution of Alabama.

Section 4. Officers to hold such election shall be the same and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing general elections, and the Constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Approved August 30, 1927.

No. 451.

(HJR. 278. Goodwyn

HOUSE JOINT RESOLUTION

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that the Capitol Building Commission be and it is hereby requested to place an elevator in the State Capitol with some properly constructed connection at ground level with Bainbridge street, whenever in the opinion of the Governor the condition of the Treasury will permit.

Approved August 30, 1927.

No. 452)

AN ACT

(H. 15. Lee

To protect purchasers of real property against which mortgages, vendors liens, judgments and other liens have been recorded in dealing with the record owners of such liens, and to provide that cancellations of liens of this character by the record owners thereof shall be valid as to such purchasers.

Be it Enacted by the Legislature of Alabama:

Section 1. That purchasers of real property against which there are recorded mortgages, vendors liens, judgments and other liens, shall be protected in assuming that the record owner

of such liens is the owner of the indebtedness secured by the same, and in dealing with such record owner as the owner of such indebtedness.

Section 2. Cancellation of the record of mortgages, vendors liens, judgments and other liens by the record owner of the same shall be valid as to purchasers of the real property affected by liens of such character.

Section 3. All laws and parts of laws in conflict with the provision of this Act be and the same hereby repealed.

Section 4. That this Act shall become effective on and after January 1st 1928.

Section 5. That this bill shall not be retroactive, and nothing herein shall affect any rights of any party which have accrued prior to Jan. 1st 1928.

Approved September 9, 1927.

No. 453.)

(H. 908. Jeter

AN ACT

To further Regulate Inferior Courts in Cities having more than one hundred thousand population according to the last or any Subsequent Federal census, to fix the compensation of the Judge of such Court and to provide for the appointment of a clerk and to provide the method as to how the compensation of such clerk shall be fixed, and to provide for the appointment of bailiffs of such court and to fix their compensation, and to provide for and fix the compensation of the deputy solicitor of such court, and to provide that this Act shall only apply to Inferior Courts having one judge exercising Civil and Criminal Jurisdiction.

Section 1. *Be it Enacted by the Legislature of Alabama* that in all cities of this state having a population of more than one hundred thousand according to the last or any subsequent Federal census that the judges of Inferior Courts located in such cities and where said court has but one judge, which judge exercises both civil and criminal jurisdiction, that the salary of the judge of such court shall be fifty one hundred dollars per annum, payable in twelve equal monthly installments out of the county treasury of such county wherein such cities are located, on warrants to be drawn by such judge.

Section 2. *Be it Further Enacted by the Legislature of Alabama* that the judge of such court hereinabove described in Section 1 of this Act shall appoint a clerk of such court who shall hold office at the will of the judge appointing him, and the compensation of such clerk shall be fixed by the Board of Revenue or like governing body of the county wherein said court is located.

Section 3. That the Judge of such court herein above described in Section 1 of this Act shall have the power and authority

to appoint two bailiffs for said court who shall hold office at the will of the judge so appointing them and shall receive as compensation the sum of one hundred and seventy five dollars per month, payable from the county treasury of the county wherein such courts may be located on the warrant of the judge of such court.

Section 4. That the deputy solicitor of such courts shall receive a salary of three thousand dollars per annum, payable in twelve equal monthly installments out of the general fund of the county wherein such courts may be located upon the warrant drawn by the circuit solicitor upon the treasury of said county.

Section 5. This Act shall not apply to any Inferior Court by whatsoever name designated located in cities of one hundred thousand population according to the last or any subsequent Federal census where said court has two or more judges and which courts exercise only civil jurisdiction or courts having one or more judges who exercise criminal jurisdiction exclusively.

Section 6. This Act shall go into effect immediately upon its passage.

Approved September 6, 1927.

No. 454)

AN ACT

(H. 1149 Hawkins

Relating to the government of and control by civil service regulations of the Police and Fire Departments in all cities of the State of Alabama having a population of 100,000 or more, according to the last or any succeeding Federal census, and relating to the Civil Service Board in all such cities, and relating to promotions and demotions in said departments.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all cities in the State of Alabama having more than 100,000 population according to the last or any succeeding Federal census, the Civil Service Board of such cities shall consist of the President of the Commission of such city, or chief executive officer thereof, and two other persons, who shall be qualified electors of said city and not less than 25 years of age. The three persons thus named shall constitute and compose the Civil Service Board of such city. The President of the Commission, or chief executive officer of such city, shall be ex officio President of the Civil Service Board; the two associate members of the Board shall be appointed by the governing body of such city and shall hold office and be removable at the will and pleasure of the governing body of the city. Two members of the Board shall constitute a quorum for the transaction of business.

Section 2. The promotion and demotion committees of the

Police and Fire Departments in such cities are hereby abolished and in lieu thereof the Chief of Police and Chief of the Fire Department shall, from the membership of their respective departments, recommend for promotion such person or persons as the occasion may call for to fill any vacancy or vacancies that may occur in said respective departments, and all such vacancies shall be filled and all such promotions shall be made by the Civil Service Board. The Board may make rules and regulations relating to eligibility for promotion. The Chief of the Police Department and Chief of the Fire Department shall have the authority, in their respective departments, to demote any member of the respective departments by and with the consent and approval of the Civil Service Board, provided however, that upon written demand filed with the Civil Service Board within five days from the date of the order of demotion the person whom it is proposed to demote shall be given a public hearing by the Civil Service Board before any order of demotion shall become final. The Chief of the Police Department and chief of the Fire Department shall have authority to suspend any member of their respective departments pending the hearing by the Civil Service Board. In the event any vacancy occurs in the office of Chief of the Police Department or Chief of the Fire Department, such vacancy shall be filled by the Civil Service Board, subject to approval by the governing body of such county.

Section 3. In all proceedings before the Civil Service Board the City Attorney, or any of his assistants, may appear and represent the interest of the City when ordered to do so by the Civil Service Board.

Section 3 1-2. In event there is a reduction in the number of fireman or policeman employed by such cities, the men last employed shall be the first to be dropped, and so on in succession.

Section 4. This Act shall take effect upon its approval by the Governor, and all laws or parts of laws or provisions inconsistent herewith are hereby expressly repealed.

Approved August 30, 1927.

No. 455.)

AN ACT

(H. 720. Adcock

To make an appropriation to the Southern Industrial Institute for the purpose of constructing and equipping buildings at said school and for the maintenance of said institution.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated the

sum of Fifty Thousand (\$50,000.00) Dollars, for the purpose of constructing and equipping buildings at the Southern Industrial Institute at Camp Hill, Alabama, payable by warrants drawn by the State Auditor on request of the Trustees of said school on approval of the Governor.

Section 2. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Five Thousand (\$5000.00) Dollars annually for the maintenance and support of the Southern Industrial Institute at Camp Hill, Alabama, the said appropriation to be paid quarterly in equal amounts on the first day of October, January, April and July of each year.

Section 3. That this act shall take effect upon its passage and approval by the Governor.

Section 4. The appropriation herein provided for shall not be available until in the judgment of the Governor the condition of the State Treasury warrants, and shall not be paid except with his approval.

Approved August 30, 1827.

No. 456)

(S. 332. Fite

AN ACT

To Regulate letting, hiring and using motor vehicles and to prevent the improper and unauthorized use of, or fraud, misrepresentation or deception by those letting or procuring such vehicles and fixing penalties for violating.

Be it Enacted by the Legislature of Alabama:

1. Whoever, with the intent to defraud, shall let a motor vehicle, the hire of which is determinable either in whole or in part by the distance such motor vehicle travels, knowing that the hubodometer or other mechanical device attached to such motor vehicle or any part thereof for the purpose of registering the distance that such motor vehicle travels, does not correctly register the distance such motor vehicle travels, or who shall knowingly deceive any person or persons hiring any motor vehicle as to the distance such motor vehicle has traveled during the period of hiring, and shall make a charge for the use thereof, based either in whole or in part upon such deception, shall, upon conviction, be guilty of a misdemeanor and subject to imprisonment in the county jail for a period of not less than thirty (30) days nor more than twelve (12) months, or be fined not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars, or be both fined and imprisoned.

2. Whoever lets a motor vehicle to any person to operate upon any public highway or street, knowing that such person is in an intoxicated condition, or under the influence of drugs, shall, upon conviction, be guilty of a misdemeanor and shall be subject to imprisonment in the county jail for a period of not less than thirty (30) days, nor more than twelve (12) months, or shall be fined not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or shall be both fined and imprisoned.

3. Whoever, after hiring a motor vehicle from any person or persons under an agreement to pay for the use of such motor vehicle a sum of money determinable either in whole or in part upon the distance such motor vehicle travels during the period for which hired, shall, with the intent to deceive the person or persons letting such motor vehicle or such person's or persons' lawful agent as to the actual distance such motor vehicle traveled during the period for which let, remove, or attempt to remove, tamper with, or attempt to tamper with, or in any otherwise interfere with any hubodometer or other mechanical device attached to said hired motor vehicle for the purpose of registering the distance such motor vehicle travels, or shall knowingly aid, abet or assist another in so doing, or shall remove, or attempt to remove, from such motor vehicle any part thereof upon which is attached such hubodometer or such other mechanical device, shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by imprisonment in a county jail not more than twelve (12) months nor less than thirty (30) days or shall be fined not more than Two Hundred (\$200.00) Dollars nor less than Fifty (\$50.00) Dollars or shall be both fined and imprisoned. Any person violating the above section may be punished in the county where such motor vehicle is hired or in the county where such hubodometer or such other mechanical device is removed, or attempted to be removed, or tampered with, or attempted to be tampered with, or in any other wise interfered with, or in the county where such persons knowingly aids, abets, or assists another in violating the provisions of the above section, or in the county where any part of such motor vehicle upon which is attached such hubodometer, or such other mechanical device, is removed, or attempted to be removed.

4. Whoever, with the intent to deprive or defraud the owner of any motor vehicle, or the person in lawful possession thereof, out of the temporary use, or benefit, or enjoyment of such motor vehicle, shall obtain the custody of such motor vehicle from the owner thereof, or from such owner's agent, or from any person in lawful possession thereof, by some trick, or fraudulent or false representation, or any false token or writing, or false personation of another, shall, upon conviction, be deemed guilty of a

misdeemeanor, and shall be punished with imprisonment in a county jail not more than twelve (12) months nor less than thirty (30) days, or shall be fined not more than Two Hundred (\$200.00) Dollars nor less than Fifty (\$50.00) Dollars, or shall be both fined and imprisoned.

5. Whoever, with intent to defraud the owner of any motor vehicle, or any person in lawful possession thereof, hires from such owner, or such owner's agents, or any person in lawful possession thereof, any motor vehicle shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by imprisonment in a county jail not more than twelve (12) months nor less than thirty (30) days, or shall be fined not more than Two Hundred (\$200.00) Dollars, nor less than Fifty (\$50.00) Dollars, or shall be both fined and imprisoned. The refusal to pay the hire of such motor vehicle, or absconding without paying or offering to pay such hire, shall be prima facie evidence of such fraudulent intent.

6. Whoever, after hiring a motor vehicle under an agreement to redeliver the same to the person letting such motor vehicle at the termination of the period for which let, shall without the consent of the person letting such motor vehicle, or such person's duly authorized agent, or the owner of such motor vehicle, abandon or wilfully refuse or neglect to redeliver same to the latter as agreed, shall, upon conviction, be guilty of a misdemeanor and shall be imprisoned in the county jail for not more than twelve (12) months or less than six (6) months, or shall be fined not more than Five Hundred (\$500.00) Dollars or less than One Hundred (\$100.00) Dollars, or shall be both fined and imprisoned.

7. Whoever, embezzles or fraudulently converts to his own use, or secretes, with intent to embezzle or fraudulently convert to his own use, any motor vehicle delivered to him, which may be the subject of larceny, or any part thereof, shall be deemed guilty of larceny.

8. Whoever, after hiring a motor vehicle under an agreement not to permit another to operate or drive same, shall, without first securing the consent of the letter thereto, or the letter's duly authorized agent, permit another to operate or drive same, shall be guilty of a misdemeanor and shall be punished by imprisonment not more than (6) months, or shall be fined not more than Two Hundred (\$200.00) Dollars or shall be both fined and imprisoned.

9. If any section of this Act should be held to be unconstitutional, such decision shall not affect the remainder of the Act.

Approved August 30, 1927.

No. 459.)

(S. 220. Williams.

AN ACT

To mend Section 10288 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 10288 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 10288. Salary. The salary of every Justice of the Supreme Court is seven thousand five hundred dollars annually, payable in equal monthly installments, as the salaries of other state officers are paid.

Approved August 31, 1927.

No. 460)

(S. 450. Walton

AN ACT

To repeal Section 2999, Code of Alabama 1923.

Be it Enacted by the Legislature of Alabama:

That Section 2999, Code of Alabama 1923, be and the same is hereby repealed.

Approved September 9, 1927.

No. 461.)

(S. 519. Stanley

AN ACT

To make appropriation for the erection on the battle-field at Gettysburgh for a monument in perpetuation of the Soldiers from Alabama.

Whereas upon the battle-field of Gettysburgh, in the State of Pennsylvania, the Confederate Soldiers from Alabama, have no monument to perpetuate the valor that they displayed in that memorable conflict. Therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That for the purpose of commemorating the valor of the soldiers from Alabama, on the battle field at Gettysburgh, and for the purpose of erecting a monument on that famous field, there is hereby appropriated out of any moneys in the State Treasury, not heretofore otherwise appropriated, the sum of five thousand dollars, payable in the sum of twelve hundred and fifty dollars for each of the fiscal years, ending respectively, on the 30th day of September, 1927, 1928, 1929, and 1930, making the total of the four years five thousand dollars.

Section 2. That the sums appropriated by Section 1 hereof, shall be paid by the State Treasurer, on warrants drawn therefor by the State Auditor in favor of such officer or officers of the United Daughters of the Confederacy of Alabama, as the Governor may direct.

Approved September 9, 1927.

No. 462)

AN ACT

(S. 171. Stanley

To make an appropriation for the Equipment and Maintenance of the Alabama Room in the Confederate Memorial Museum at Richmond, Virginia.

Be it Enacted by the Legislature of Alabama:

Section 1. That for the purpose of equipping, and providing for the maintenance of, the Alabama Room in the confederate memorial museum at Richmond, Virginia, there is hereby appropriated out of any monies in the State Treasury not heretofore otherwise appropriated, the sum of Two Hundred and Fifty (\$250.00) Dollars a year, for each of the fiscal years ending, respectively, on the 30th day of September, 1927, 1928, 1929 and 1930; making a total for the four years, of one Thousand (\$1,000.00) Dollars.

Section 2. That the sums appropriated by Section 1, hereof, shall be paid by the State Treasurer, on warrants drawn therefor by the State Auditor in favor of such officer or officers of the United Daughters of the Confederacy, as the Governor shall direct.

Approved September 9, 1927.

No. 463.)

AN ACT

(S. 449. Walton

To abolish the Board of Managers of the State Training School for Girls; to create a Board of Trustees in lieu thereof; to provide for their appointment and fix their terms of office.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Board of Managers of the State Training School for Girls as fixed and prescribed by Section 2998, Code of Alabama 1923, be and the same is hereby abolished and there is created in lieu thereof a Board of Trustees to consist of one member from each congressional district in the State, except the congressional district in which said school is located and

from that district there shall be appointed two members. The Governor and the Superintendent of Education shall be Ex-Officio Members of said Board of Trustees with the right to vote and otherwise participate with said Board in the management of said school. All the members of said Board of Trustees shall be appointed by the Governor and the terms shall be as follows to be designated by the Governor when appointing said Board of Trustees, to-wit: Three shall be appointed for a period of two years; Three for a period of three years; Three for a period of four years; and two for a period of five years. As the terms expire those who are appointed to succeed those then holding shall hold for a period of four years and until their successors are appointed and qualified. All vacancies shall be filled by appointment by the Governor. Not less than five women shall be members of the Board of Trustees and all the appointees shall be submitted to the Senate of Alabama for confirmation or rejection.

Section 2. The Governor and the two members appointed from the district in which said school is located shall constitute the Executive Committee of said Board.

Section 3. All laws and parts of law in conflict with the provisions of this Act be and the same are expressly repealed.

Approved September 1, 1927.

No. 464.)

(S. 185. Stanley

AN ACT

To abolish the Branch Agricultural Experiment Station located near Uniontown in Perry County, Alabama, known as the Canebrake Agricultural Experiment Station and to provide for the distribution of the property thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. The Branch Agricultural Experiment Station established and located at or near Uniontown, in Perry County, Alabama, and known as the Canebrake Agricultural Experiment Station conducted for the purpose of making experiments in scientific agriculture is hereby abolished.

Section 2. The lands, buildings and all other property belonging to said experiment station and any interest therein which is now owned by the State or any of its institutions, shall rest in the Alabama Polytechnic Institute. The Alabama Polytechnic Institute shall sell or make such other disposition of said property as it deems best and apply said property or proceeds secured therefrom to conducting and making experiments in

scientific agriculture at any other sub-agricultural stations or experimental fields.

Section 3. Provided, however, that the disposition of said Canebrake Agricultural Experiment Station as herein before provided shall not be consummated before January 1, 1928.

Section 4. This Act shall take effect immediately upon its approval by the Governor.

Approved September 9, 1927.

No. 466.)

(S. 280. Stanley)

AN ACT

To amend Section 3183 of the Code of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 3183 of the Code of Alabama of 1923 be and the same is hereby amended so as to read as follows: Section 3183. DUTIES OF COMMISSION; ANNUAL APPROPRIATION FOR—The building designated as the First White House of the Confederacy having been purchased as provided by the Act of September 26th, 1919, page 736, and removed to property now belonging to the State of Alabama, said commission shall have power to make such repairs to said building from time to time as it may deem advisable, and the sum of Twenty-five Hundred Dollars or such portion thereof as may be needed annually is appropriated out of any moneys in the treasury not otherwise appropriated, for the maintenance, repairs, furnishings and upkeep of said building and the employment of a custodian of such building and its contents; said sum to be paid out of the treasury upon warrant of the auditor drawn upon requisition of the Governor.

Approved September 2, 1927.

No. 468)

(S. 221. Williams)

AN ACT

To amend Section 5523 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama: That Section 5523 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 5523. Salary of Deputy Solicitors. There shall be paid out of the County Treasury, except as herein otherwise provided, to the deputy solicitor of the Coun-

ty, an annual salary, in equal monthly installments, of twelve hundred dollars in all counties which shall be in lieu of all fees or compensation allowed by law to such county solicitor, and the payment of said salary to be by warrant of the probate judge of the county drawn on the treasurer thereof, Provided, that in counties where circuit or county court is held at more than one place in said county, the deputy solicitor shall receive an annual salary of fifteen hundred dollars, payable in the same manner as other deputy solicitors are paid. In circuits of more than one county, and not more than three, and having two judges, and there is now a solicitor of the law and equity court in such county who is receiving for his services fees for prosecuting criminal cases in such law and equity court, such solicitor shall, until the expiration of his present term, be the sole deputy solicitor of such county, and during such time shall receive all solicitor's fees paid into the county treasury on account of convictions that may be had in the county court of such county. In all counties not herein otherwise provided for, other than circuits of five counties having two judges, in which there is now a law and equity court, or court of like jurisdiction having a solicitor whose term will not expire before the first Monday after the second Tuesday in January, 1917, such solicitor, until the expiration of his present term, shall be the sole deputy solicitor for the county and shall receive as compensation for his services all solicitors fees collected for convictions in the county court. The payment of all fees to be received by deputy solicitors hereunder shall be by warrant of the probate judge of the county drawn on the treasurer thereof. Where an appeal is taken to the circuit court from a conviction in the county court and a conviction follows in the circuit court the solicitor's fee shall be paid to the deputy solicitor or into the county treasury, as herein provided. In circuits of one county having one judge and a population of forty five thousand or more where there is now a county court or city court with the jurisdiction of a circuit court, and having a solicitor elected by the qualified electors of such county whose term of office will not expire by the first Monday after the second Tuesday in January 1917, such solicitor until the expiration of his present term, shall be the sole deputy solicitor for the county and receive as compensation for his services all solicitor's fees collected for conviction in the county court; provided, that such deputy solicitor shall not receive fees in excess of the salary he is now receiving as solicitor of the county or city court, and at the expiration of the time for which such county or city solicitor, so acting as deputy solicitor, was elected to serve, the circuit solicitor in such circuits shall have the right to appoint a deputy solicitor whose salary shall be twelve hundred dollars per year, paid by the county. This section shall not be construed to repeal

any local or special law fixing the salaries of deputy solicitors in any county in this State.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved September 9, 1927.

No. 472.)

(S. 521. Walker

AN ACT

To amend Section 2011 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 2011 of the Code of Alabama of 1923 be amended so as to read as follows: "2011. May Borrow money and secure same by notes, Bills payable or other security. Any city or town in this state of more than two thousand inhabitants may borrow money for temporary or any other lawful purpose or use, to the extent of its Constitutional debt limit, and pay all costs, fees, and commissions agreed upon in connection with any such loans; and the governing body thereof may, without an election, issue evidences of indebtedness in the form of interest bearing warrants, notes or bills payable, maturing at such times as such governing body may determine, not exceeding fifteen years from the date of issue, and any such city or town may as security for any such evidences of indebtedness and, as a part of the contract whereunder any money is borrowed, agree to annually levy, collect and apply to the payment thereof, so long as the same or any part remains unpaid, any special tax or license authorized on the date of such contract to be levied and collected. The governing body of any such city or town may contract for the construction, reconstruction, extension or repair of any municipal building, plant, water works system or electric light and power plant or system, or may on credit employ labor, and purchase on credit all materials and supplies needed in such construction, reconstruction, extension or repair, and may without an election issue evidences of indebtedness in the forms and of the maturities above described, to the extent of any indebtedness incurred in such contract or purchase or construction, reconstruction or extension, and may secure such evidences of indebtedness by mortgage or deed of trust (in such form and with such provisions as such governing body may determine) on such municipal building, plant, water works system or electric light and power plant or system. Such governing body may consolidate or combine their waterworks systems or plants with their lighting or power plants and systems and use any part of the

one system or plant for the operation of the other plant or system, and may use the net proceeds, receipts and revenues, from the lighting or power plant for the payment or security of any debt incurred in the construction, maintenance, extension or operation of the waterworks system."

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after the date of its approval by the Governor.

Approved August 31, 1927.

No. 473)

(S. 164. Craft

AN ACT

For the relief of Carrie Bemis by the payment to her of compensation for the death of her son, Roy Albert Bemis.

Be it Enacted by the Legislature of Alabama:

First: That the "State Docks Commission pay to Carrie Bemis the sum of Three Thousand Dollars (\$3,000.00), as compensation for the death of her minor son, Roy Albert Bemis, which occurred in September 1926, through the negligence of a co-employee, while Roy Albert Bemis was in the employ of said commission.

Approved September 8, 1927.

No. 474.)

(S. 348. Holmes

AN ACT

To permit a sugar refinery to make or to manufacture as a by-product of and in such plant industrial alcohol or denatured alcohol, for non-beverage purposes only, in order to conserve the materials used in or incident to the manufacturing process employed in such refinery, by persons, firms or corporations, on any State owned land that constitutes, in whole or in part, any plan of development by the state or its agency, for the improvement or expansion of any of the harbors or seaports of the state: authorizing the Governor of the State of Alabama, in his discretion, to issue permits therefor: fixing the conditions and regulations under which such alcohol may be manufactured, transported and sold and requiring the giving of a bond to the State for the faithful observance of conditions and regulations in the premises: defining the terms used in this Act; and declaring offenses against the Act and prescribing penalties for violations of this Act; and providing for the supervision of its enforcement by the Governor of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That upon the filing with the Governor of Alabama, by any person, firm or corporation, of an application to operate, on any state owned land that constitutes, in whole or in part, any plan of development by the state, or its agency, for the improvement or expansion of any of the harbors or seaports of the state, an alcohol distillery and alcohol denaturing plant, for the production of industrial alcohol, solely for non-beverage use, the Governor may, in his discretion, grant a permit, as hereinafter provided, to such applicant to operate an alcohol distillery and alcohol denaturing plant, in connection with a sugar refinery where the distillation of alcohol may be economically undertaken to conserve the by-product materials used in or incident to the operation of such sugar refinery; provided the applicant has or does secure, by lease, the right to occupy the premises described in the application. The term "permittee" as used in this Act shall mean the person, firm or corporation to whom such a permit is issued. The term "industrial alcohol" shall be construed to include ethyl alcohol and alcohol denatured as herein provided. The term "industrial alcohol plant" shall include the alcohol distillery, denaturing plant and all the premises used in connection therewith. No permit shall be granted to operate an alcohol denaturing plant away from the premises of the sugar refinery and the alcohol distillery where the alcohol is produced.

Section 2: The application filed with the Governor for such permit shall be verified by affidavit and shall set forth the name and address of all parties having an interest in the proposed industrial alcohol plant, or if a corporation, shall set forth the name and address of its principal officers and directors and the name and address of the individuals owning fifty-one per cent of the stock and the name and address of the individuals to be in charge of the plant; accompanying said application shall be an accurate plan and description of the premises and distilling apparatus, distinctly showing the location of every still, boiler, worm-tub and receiving cistern, the course and construction of all pipes used or to be used in the distillery, and every branch and every cock or joint thereof, and of every valve therein, together with every place, vessel, tub or utensil from and to which any such pipe leads, or with which it communicates; also the number and location and cubic content of every still, mash tub, and fermenting tub, the cubic contents of every receiving cistern and the color of each fixed pipe. There shall also be furnished a detail description of the process employed at the plant, which will show the flow of material from the time received on the premises through the various apparatus, into the locked receiving tanks; also a plat showing the line of the premises and location of buildings thereon; provided, however, that whenever the

documents filed with the officers of the United States under the Internal Revenue or Prohibition Laws and regulations pursuant thereto shall contain the foregoing information, the filing of a certified copy of such document or documents with the Governor shall be deemed a sufficient compliance with this section.

Section 3. As a condition precedent to the granting of such permit, such person, firm or corporation shall file with the Governor a bond payable to the State of Alabama, in the penal and liquidated sum of twenty-five thousand dollars (\$25,000.00), with surety to be approved by him, conditioned that such person, firm or corporation will not sell, barter, give away, deliver or remove any alcohol, or liquid or compound containing alcohol, or permit to be sold, bartered, given away, delivered or removed from such industrial alcohol plant any alcohol, or liquid or compound containing alcohol, in violation of the laws and regulations of the State and of the United States and will faithfully observe, keep, perform and be bound by any and all provisions, restraints and conditions of the laws of the State and of the United States, now in force, or which may hereafter be put into effect, concerning, affecting or regulating the manufacture, sale, transportation or delivery of alcohol and intoxicating liquors. This bond shall be renewed annually during the life of the permit hereinabove provided for.

Section 4. A permittee as herein provided, may manufacture and sell industrial alcohol, solely for non-beverage purposes to persons authorized by law to purchase the same, whether within or without the State, upon compliance with State Law and Laws of the United States and regulations issued thereunder, relating to alcohol and intoxicating liquors.

Section 5. Industrial alcohol manufactured and sold by a permittee as provided by this Act may be transported and delivered to any person authorized by Law to purchase the same for non-beverage purposes upon compliance with Chapter 167 of the Code of Alabama, provided, however, that whenever the consignee is without the State the affidavit required by Section 4708 of the Code shall not be required.

Section 6. It shall be the duty of the Governor to supervise the enforcement of this Act. The Governor shall prescribe the form and fix the condition of all permits issued under the Act and shall have authority to make regulations, require the keeping of the records and the filing of reports, to give effect to the provisions of the Act, and shall have the right, after notice and hearing, to suspend or revoke such permit for the violation of any law or regulation by the permittee, or by his, or its officers, agents, employees or servants, in connection with the privilege granted by such permit, and upon the breach of any of the conditions of the bond required by this Act, the Governor shall collect

the penalty of the bond; provided, however, no permit issued under this Act shall grant any privilege inconsistent with the Laws of the United States. Any industrial alcohol plant operating without a valid permit issued by the Governor, as required by this Act, may be abated as a nuisance in an action in equity brought in a court of competent jurisdiction.

Section 7. The Governor, or any officers or officer of the Law designated by him, shall have the right, at any hour, to enter and inspect the premises of any industrial alcohol plant and may examine the books and records of such permittee, to see that the laws relating to alcohol and intoxicating liquors are being observed; and may take from the products found on the premises such samples as may be required for the purpose of chemical analysis.

Section 8. Every permittee upon obtaining a permit under this Act, and annually thereafter, shall pay to the Governor a fee of One Thousand Dollars (\$1,000.00) to cover the cost of inspection and supervision of the operation of such industrial alcohol plant, which amount shall be accounted for as a separate fund and the proceeds after the payment of all expenses of administration shall be by the Governor paid into the Treasury of the State. Upon any change in the officers, directors or controlling interest of any permittee under this Act it shall be the duty of such permittee to promptly notify the Governor of such change.

Section 9. It shall be unlawful for any permittee or for any officer, agent, employee, or servant of such permittee or for any person to sell, deliver, transport or remove from the premises of an industrial alcohol plant, any alcohol, or liquid compound containing alcohol except in compliance with a permit authorizing such sale, delivery, transportation or removal, issued as required by the Laws of the United States and the regulations issued thereunder, and except as permitted by this Act, provided, however, no permit under this Act shall be required for sale, delivery, transportation, or removal from such industrial alcohol plant of denatured alcohol in accordance with formulas that may be provided by regulations of the United States Government so as to render such alcohol unfit for beverage use. The container in which such denatured alcohol is transported shall be labeled "Denatured Alcohol."

Section 10. It shall be unlawful for any person to remove from an industrial alcohol plant any denatured alcohol for the recovery of the alcohol therefrom for beverage purposes or to redistill or by any other process recover alcohol from denatured alcohol for beverage purposes.

Section 11. In any prosecution under this Act where the defendant relies for justification upon a permit issued under the

laws of the United States, the burden shall be upon him to prove the same.

Section 12. It shall be unlawful for any permittee or for any officer, agent, employee, or servant of such permittee, to violate the terms of any permit or regulations issued under this Act, or to make any false statement in any application, record, or report required by the Act, or to forge any permit required by this Act, or to hinder or obstruct any officer charged with the duty of enforcing the provisions of this Act, or to use any of the machinery vats, pipes or other paraphernalia connected with such industrial alcohol plant except as authorized by this Act or the permit issued hereunder, or to remove or permit the removal of any mash, alcohol, or liquid or compound containing alcohol, from the premises of any alcohol manufacturing plant, except as provided in this Act, and in accordance with the regulations authorized herein.

Section 13. Any officer, director, agent, servant, or employee of any corporation or any other person who shall violate any of the provisions of this Act shall be deemed guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than one nor more than three years.

Section 14. This Act shall be construed as cumulative of existing laws relating to intoxicating liquors which are modified only to the extent that they are inconsistent with the provisions of this Act.

Section 15. If any section or provision of this Act or any part of any section shall be declared unconstitutional by the Supreme Court of Alabama, or the Supreme Court of the United States, the part so declared unconstitutional shall cease to be operative, but the remainder of the Act and every section or part thereof not so declared unconstitutional shall continue to be the law of the State.

Section 16. This Act shall take effect from and after the date of its enactment.

Approved September 2, 1927.

No. 475.)

(S. 545. Ellis of Shelby

AN ACT

To authorize the condemnation of a right-of-way over lands of other persons to cemeteries or graveyards, which have been used by the public as a place for burying the dead for twenty years or more when no part of said cemetery or graveyard is adjacent or contiguous to any public road or highway.

Be it Enacted by the Legislature of Alabama:

Section one. Where a cemetery or graveyard has been used by the public as a place for burying the dead for twenty years

or more, and no part of said cemetery or graveyard is adjacent or contiguous to any public road or highway, any person who has, or any persons who have, relatives or relations buried in said cemetery or graveyard, shall have the right to acquire and may acquire a convenient right-of-way not exceeding in width fifteen (15) feet over the lands intervening and lying between such cemetery or graveyard or body of land on which the same is situated, and the public road or highway nearest or most convenient thereto.

Section Two. In the establishment and condemnation of such right-of-way, no road or right-of-way shall be established through any person's yard, garden, orchard, stable lot, stable, gin house or curtilage, without the consent of the owner; and the applicant must pay the owner for the value of the land taken and compensation for damage to the land through which said right-of-way is established, resulting from the establishment of such road or right-of-way.

Section Three. The right hereby conferred shall be exercised by application to the Probate Court of the county in which the lands over which such right-of-way is desired, or a material portion thereof are situated, and the same proceedings shall be had as in cases of condemnation of lands for public uses as provided by article one (1) of chapter 286 of the Code of Alabama 1923, or as may be now or hereafter provided by law.

Approved September 6, 1927.

No. 476.)

(S. 196. Cowan

AN ACT

To provide for and regulate further the care, support and maintenance of the poor and paupers of the several counties of the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners, or Board of Revenue, or other governing body of each county shall have jurisdiction and power necessary and proper for the relief and support of the poor of its county, and it shall have the control of the houses for the poor, and may employ a suitable person to take charge of same. It shall see that the poor are properly treated; and it may provide physicians, nurses and such other attendants or attaches as it may deem proper, and purchase medicine, surgical supplies and any and all things necessary for the proper care of the inmates and conduct of the institution, and payment therefor may be ordered out of the proper fund by warrant on the county treasurer.

Sec. 2. The Court of County Commissioners, or Board of Revenue, may purchase and hold lands and other property, proper for the erection and continuance of a home for the poor, and may at their discretion, dispose of lands, buildings, furnishings, equipment and stock, now or hereafter owned for such purpose, and make titles therefor, and may make appropriations and orders proper for the erection and continuance of homes for the poor, and for the regulation and government of the poor and for the homes of the poor. Provided that nothing in this section shall prevent the Courts of County Commissioners, or Boards of Revenue, of two or more counties of a given district, as hereinafter provided for, from uniting in the establishment and operation of a joint home for the care of the indigent of the respective counties participating, and to this end the State is divided into Districts as follows: District Number One: Counties of Colbert, Cullman, Franklin, Jackson, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Winston. District Number Two: Counties of Blount, Calhoun, Cherokee, Clay, Cleburne, DeKalb, Etowah, Fayette, Jefferson, Lamar, Randolph, St. Clair, Shelby, Talladega, Walker. District Number Three: Autauga, Barbour, Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington, Crenshaw, Dale, Elmore, Geneva, Henry, Houston, Lee, Lowndes, Macon, Montgomery, Pike, Russell, Tallapoosa. District Number Four: Baldwin, Bibb, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Marengo, Mobile, Monroe, Perry, Pickens, Sumter, Tuscaloosa, Washington, Wilcox.

Sec. 3. The Court of County Commissioners, or Board of Revenue of a County may, at a regular meeting, or at a special meeting called for that purpose, by a resolution adopted by an affirmative vote of a majority of all the members entitled to a seat in said Court of County Commissioners, or Board of Revenue, united with one or more other counties of the district within which it is located in the joint ownership, control and operation of a home for the poor, and to that end may elect one member each from their own membership to a joint Board of Supervisors, as is hereinafter provided for.

Sec. 4. At any time after the organization of any such institution any additional county or counties in the district may join in the support and conduct thereof upon payment of such equitable proportion of the original cost of its establishment, and any joint county may withdraw upon such terms as may be agreed upon among the county boards of the counties interested; and thereupon the Board of Supervisors of such institution shall be reorganized in such manner as may be determined by the county boards in participating counties to conform to the provisions of this Act.

Sec. 5. The said institution shall be established, maintained and operated pursuant to all the statutes relating to the establishment, maintenance and operation of similar institutions, respectively, by any single county, except as otherwise provided for in this Act; and in all respects, except as herein specified, each such institution shall be the county institution of each of the counties participating.

Sec. 6. There is created and established a Board of Supervisors, for the home for the poor of each district in the State, composed of one member selected from the membership of the Court of Commissioners, or Board of Revenue, from each county jointly owning the home, who has been duly elected by a majority vote of the members of the proper county governing authority of each participating county. The members of the Board of Supervisors shall serve until removed, as herein provided. No member of the Board of Supervisors of a Home shall be eligible to the position of superintendent of the institution, during the term of office for which he was elected.

Sec. 7. Any supervisor may be removed from office for misconduct or neglect of duty by a majority vote of all the members of the County Court of Commissioners or Board of Revenue electing him.

Sec. 8. Each member of the Board of Supervisors shall be reimbursed his traveling expenses necessarily incurred in the discharge of his duties, and shall receive such compensation as shall be fixed by the county board electing him, unless otherwise provided for by law.

Sec. 9. The Courts of County Commissioners, or Boards of Revenue, of two or more counties of any given district, as provided for by this Act, having signified their intention of uniting in the establishment and operation of a joint Home for paupers by adopting and recording the resolutions required, and electing a member each to serve on the Board of Supervisors, shall by resolution designate a place where and time when, as agreed upon by the respective Courts of County Commissioners, or Boards of Revenue, the said members elected to serve as a Board of Supervisors of the Home, shall meet for the purpose of organizing and otherwise carrying out the provisions of this Act, relative to the establishment and operation of said Home.

Sec. 10. The Supervisors shall organize by electing a president and secretary, provided that, they may designate the superintendent of the home as ex officio secretary, and may, if they see fit, elect or designate a treasurer, who shall file an official bond to the Board of Supervisors in an amount determined by the Board of Supervisors in a bonding company approved by them, the premium being paid by the Board of Supervisors.

Sec. 11. The Board of Supervisors shall have and exercise exclusively the same functions in all matters relating to the care and support of the inmates of any said institution and the management and operation thereof, as are vested in the County Courts of Commissioners or Boards of Revenue.

Sec. 12. The Board of Supervisors shall make all necessary rules and regulations for conducting its business and for the government and maintenance of the institutions in their charge and for the admission and discharge of inmates, and fix the time and terms of employment and the salaries of the superintendent and all other officers and employees of said institution, and of the physician and nurses, which salaries shall be payable monthly out of the maintenance fund, and can remove any and all officers or employees whenever in their judgment the best interests of the institution require it.

Sec. 13. The Board of Supervisors shall let all contracts and make all purchases for whatever may be necessary to maintain and from time to time improve said institution, and maintain support and care for the inmates therein. All contracts of the Board of Supervisors shall be in writing, signed for board by the chairman. The Board of Supervisors may prescribe rules and regulations for emergency purchases without advertisement for bids. The Board of Supervisors shall purchase all supplies for the establishment of and operation of the institution in its care, under rules and regulations which it may adopt, and which rules among other things shall require advertisements for written bids and allow an opportunity for competition among bidders and the award of contracts to the lowest responsible bidder, and shall prescribe requirements to be observed by successful bidders to secure compliance with their bids, and may require successful bidders to give bond with a duly authorized surety company as surety to secure performance of contracts under regulations, which the Board of Supervisors may prescribe. Provided that the Board of Supervisors may request the State Board of Administration to purchase any or all supplies which may be necessary. The Board of Supervisors may employ necessary clerical assistants for the efficient work of the board, and shall fix the duties and salaries of such assistants.

Sec. 14. The said Board of Supervisors shall select a site, anywhere within either of the said counties participating, and prepare the plans and specifications of the buildings for such institutions, and said supervisor shall be vested with all functions, relative to the establishment of such institution, possessed by the county Court of Commissioners or Board of Revenue relative to like county institutions.

Sec. 15. Upon approval of the site, plans and specifications, as hereinafter provided for, the Supervisors shall report to the several County Courts of Commissioners, or Boards of Revenue, the estimated cost of said site and buildings, and the amount thereof chargeable to each county on the basis set forth in Section 16, paragraph A, appending to each report a copy of the plans and specifications and all matters relating to said site and buildings, and if the said report shall be approved by a majority of the Courts of County Commissioners, or Boards of Revenue of the participating counties the Board of Supervisors shall purchase said site and cause said buildings to be erected in accordance with the plans and specifications.

Sec. 16. The Board of Supervisors shall audit all claims against said counties on account of said institution; and all such claims shall be certified to and paid by the respective counties according to apportionment and adjustment as follows: A—All expenditures for the site, buildings, furniture, equipment and permanent improvements shall be apportioned among the several counties constituting the district and participating on the basis of the percentage which the tax valuation of the taxable property of each county bears to the tax valuation of the aggregate taxable property in all said counties, as determined by the tax assessments for the year preceding. B. All expenditures for repairs, maintenance and operation, after deducting all receipts therefor except county appropriations, shall be so apportioned for each month, on the first day of the next succeeding month, on the basis of the percentage which the aggregate cost of keeping the inmates at public charge from each such county bears to aggregate cost of keeping the inmates at public charge from all such counties, adopting as the unit of cost the total average cost per capita per week of keeping all the inmates at public charge and otherwise in said institution. C—Upon receipt of such certified apportionment each such county shall pay over to the Board of Supervisors of the Institution its proportion of said expenses. The Board of Supervisors shall receive into the institution all indigent persons, committed thereto under the terms of this Act, from the several counties participating in a district in the ownership of said institution, and all such inmates shall be paid from the treasury of the county from which they were committed, provided that the expense for support of all such inmates does not exceed \$5.00 per week for each of such indigent persons. Said payments shall be made not later than the 10th day of each month for the month preceding.

Sec. 17. The Board of Supervisors, may in their discretion receive into the home persons who are residents of the district in which the home is located, who are able to pay for their care, or who have persons, or kindred, bound by law, or otherwise, to

maintain them. Such persons shall pay at the rate of twenty-five dollars per month in advance for care in the home. But the county dependents must be given preference in case there is not ample provision.

Sec. 18. In order to carry out the provisions of this Act the Court of County Commissioners, or Board of Revenue of any of the several counties participating in the ownership of a home, may, at its discretion, dispose of lands and other property now owned for such purpose by said county and make titles therefor to the purchaser, and may use the proceeds from the sale of such lands and property toward the payment of its share in the establishment of said home for the poor and may make all necessary additional appropriation from the proper fund of said county and make such orders as are proper for the erection and continuance of said district home as provided for by the terms of this Act.

Sec. 19. The site upon which the residences for officers, employees and inmates is located must have good natural drainage, and an abundant supply of pure, wholesome water, and the lands should be of sufficient acreage and fertility to afford ample farms to provide vegetables, fruits and other produce, and a range for meat and dairy cattle. Suitable lands having been secured, and plans and specifications for buildings approved, the Board of Supervisors shall cause to be erected thereon the necessary buildings for residences for the superintendent, attaches and inmates, hospitals, storerooms, barns, stables, and all structures required for the proper conduct of an institution of this character.

Sec. 20. The Board of Supervisors and their successors shall take the title of said property in trust for the several counties so contributing to its purchase, and shall insure the buildings and necessary furnishings and equipment in the name of the several counties participating in proportion to the amount contributed by each of said counties in the ownership of the Home. Should a suitable location for any home be found on land owned by the State, the Governor is authorized in his discretion to permit a Home to be established upon such land.

Sec. 21. The Board of Supervisors of the Home shall arrange the cottages or buildings for the occupancy of dependents so that those for negroes shall be entirely separate and apart from those for white inmates, and the apartments for the respective races shall be so arranged as to completely segregate the men from the women. There must be a complete separation of the males from the females at all times, unless the inmates are directly under the care and supervision of proper attendants designated therefor. Provided, that this provision may not apply to husband and wife.

Sec. 22. When the buildings, constructed under the provisions of this Act, are so far completed that, in the opinion of the Board of Supervisors, they may be properly used for the purpose for which they are designed, the Board of Supervisors shall make an order for the reception of inmates and each Supervisor shall give notice by publication in some newspaper published in his county once a week for three successive weeks announcing that the Home is open for the reception of proper inmates, the cost of such notice to be paid for by the county in which such notice is given. The Court of County Commissioners or Boards of Revenue of such counties as are entitled to place indigents in the home shall forthwith cause all inmates of the county poor house under their care to be transferred to the District Home and henceforth all indigents from each of such counties shall be sent to and cared for in the said Home.

Sec. 23. Whenever it shall appear to the satisfaction of the Judge of the Probate Court, of any county participating in a District Home, by a petition signed by a member of the Court of Commissioners or Board of Revenue of said county, that any person having a legal settlement therein is without sufficient means of support and necessary care, and is by reason of sickness, infirmity, decrepitude, old age, drunkenness, pregnancy, or other cause, likely to become a public charge, either temporarily or permanently or that such person lives in a state of indigence, squalor or filth likely to induce disease, such judge shall commit such person to the County Home, but no person shall be committed without having an opportunity to be heard in person or by some one in his behalf. Whenever any member of a Court of County Commissioners, or Board of Revenue, shall ascertain that there is a pauper in his county probably entitled to relief, it shall be his duty to examine into the pauper's right to support; and, if he is satisfied that such pauper is unable to support himself, or is entitled to be supported or provided for by the county, he shall forthwith certify the facts to the Judge of the Probate Court for his action; and in case of emergency, he may give his written order to the superintendent of the County Home to receive such pauper; and may cause the pauper to be removed to the Home.

Sec. 24. Any order or process issued by such judge under this section may be served, and such commitment may be made, by an officer charged with the care of the poor in the county where the proceedings are had. No child between one and eighteen years of age shall be admitted to the County Home after September 30, 1929.

Sec. 25. To entitle any pauper to be supported by the county, he must have been a bona fide resident thereof for six months prior to his application for support. The Court of County Com-

missioners, or Board of Revenue, shall also relieve, support or employ paupers found or being in the county, though not entitled to a settlement therein, and in case of their decease shall decently bury them and the Court of Commissioners or Board of Revenue, shall decently bury all indigent strangers dying in the county.

Sec. 26. The members of the Court of County Commissioners, or Board of Revenue, shall prevent the poor from strolling from one district to another; and, in case any pauper shall leave the County, in which he may have a settlement, and remove to another county, any member of the Court of County Commissioners, or Board of Revenue of the county to which he removes may make an order to remove the pauper back to the county from which he came, directed to any constable to execute. But if the pauper be sick or disabled, so that he cannot be removed, he shall be provided for in the County in which he may be found until he can be removed. And it shall be the duty of the Court of County Commissioners, or Board of Revenue to which any pauper belongs, to receive him on his removal and to provide for him as in other cases.

Sec. 27. If any person who has received any relief, support, or maintenance at public charge, under this act or as an inmate of any state or county or municipal institution, was at the time of receiving such relief, support or maintenance, the owner of property, the authorities, charged with the care of the poor of the municipality, or the board in charge of the institution chargeable with such relief, support, or maintenance, may sue for and collect the value of the same against such person and against his estate. In any such action or proceeding the statutes of limitation shall not be placed in defense, but the court may, in its discretion, refuse to render judgment or allow the claim in favor of the claimant in any case where a parent, wife, or child is dependent on such property for future support. The records kept by the State, County, or municipality for the purpose of showing names and the value of the relief, support or maintenance furnished shall be prima facie evidence.

Sec. 28. The father, grandfather, brother, mother, grandmother, child, or grandchild, of any poor persons unable to maintain themselves, being of sufficient ability, must support such persons; and, failing to do so, any county or municipality in the State, having made provisions for such persons, may sue their father, grandfather, brother, mother, grandmother, child, or grandchild, of full age, or either of them, before any court having jurisdiction and recover at the rate of \$20.00 a month, for the time such county or municipality has made provision for such person, the court or jury trying the same, being satisfied from the evidence that the defendant was of sufficient ability to

provide for their support. On the trial, the certificate of the Judge of Probate of the county, that the person was poor and unable to maintain himself, and that he was maintained for such time at the expense of the county or municipality is presumptive evidence of such facts. Should the county or municipality fail to recover, no costs are to be taxed against the plaintiff, except for witnesses attending on behalf of such plaintiff.

Sec. 29. Any person who shall bring or remove or cause to be brought or removed any poor person from any place without this State into any County or municipality within it, intent of making such county or municipality chargeable with his support, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than three hundred dollars; and the justice or court before whom such person shall be proceeded against for a violation of the provisions of this section shall, by its judgment, require of such person satisfactory surety that he will, within a reasonable time to be fixed, transport such person out of the State, or indemnify such county or municipality for all charges and expenses which have been or may be incurred in his support; and, in case of neglect or refusal so to do, sentence such person to hard labor for the county or municipality for a term not to exceed three months.

Sec. 30. The Board of Supervisors of any District Home may cause the superintendent of the Home to employ in labor any pauper as may be able to work, in such way as it may deem proper, without endangering his or her health or oppressing him or her; and a fair account of the profits resulting from such labor shall be kept and returned to the Board of Supervisors. No pauper shall be caused to work until a certificate from the physician in charge has been issued stating that said work will not be injurious to such pauper.

Sec. 31. A home having been established in any county or district, all persons, eligible to admission, who from any cause are unable to support and provide for themselves, and who have no one to care, support or provide for them, and are, or are likely to become, a charge upon the County, shall be committed to said home, and the Court of County Commissioners, or Board of Revenue, cannot appropriate any money for the support of paupers outside such home, except in cases as provided for by provisions of this Act. After September 30th, 1929 the Court of County Commissioners, or Board of Revenue of a county cannot appropriate money from the public funds for the support or maintenance of a pauper who is not an inmate of a County or district home, except in case of emergency, as provided for elsewhere in this Act, and in case of temporary relief on account of illness, such relief cannot be extended beyond a reasonable length of time.

Sec. 32. The Board of Supervisors shall elect a superintendent for the Home, who shall be a man of education, intelligence and of good moral character, who shall reside in the Home and give his whole time to the management of the work and affairs of the institution. The Board of Supervisors shall fix such salary for him as is commensurate with the dignity and responsibility of the position, and as will demand intelligence and character, and fix his term of office and prescribe his duties. Each superintendent shall within ten days after written notice of his appointment take and file the official oath and execute and file an official bond with sureties approved and in a reasonable sum fixed by said board, the premium on such bond being paid by said board.

Sec. 33. The Board of Supervisors shall elect a physician of education, character and good standing professionally and otherwise for the Home, shall fix a reasonable salary and the term of office. The physician shall examine, as soon as practicable, all inmates, after their admission to the Home, and classify them according to their ability to perform service, designating the kind of work, as nearly as possible, to be performed, and the hours each day of service. He shall treat and care for the sick and infirm and exercise general supervision over the sanitary and health conditions of the institution, and, with the advice and consent, after consultation, of the superintendent of the Alabama Insane Hospitals, if deemed advisable, is hereby authorized and empowered to sterilize any inmate. He shall direct and control the hospital, and exercise supervision and control over the nurses and other attaches of same, and to that end shall appoint, with the approval of the board of supervisors, said nurses and attaches.

Sec. 34. The superintendent shall, with the approval of the board of supervisors, appoint, and remove such assistants for the institution as may be necessary, excepting the nurses and hospital orderlies otherwise provided for, and shall employ, direct and control all help about the Home and farm, without reference to the Board of Supervisors. He shall exercise general direction and control over the institution and the farm, shall keep an accurate record of all expenditures and receipts in connection with the operation of the institution, making reports of same as required, and shall enforce all rules and regulations for the management and control of the institution as are adopted by the Board of Supervisors.

Sec. 35. The fiscal year of each such institution shall commence October 1st of each year and end September 30th of the following year. The Board of Supervisors of the respective district Homes shall meet on the second Tuesday of October, January, April and July of each year, at the county seat of the coun-

ty in which the Home is located, or at the Home if so designated by the chairman, due notice being given to each member of the Board, for the purpose of transacting and disposing of any and all business brought to its attention concerning the management and operation of the institution under its control. It shall audit and pass upon all accounts and transactions which have been passed upon or entered into by the Executive Committee, hereinafter provided for, or superintendent of the institution and shall visit the Home and make a thorough and complete investigation into its management and control, directing such alterations and changes, and doing any and all things deemed necessary for the betterment and improvement of the institution. The Board of Supervisors may meet upon the call of the chairman, notice of five days having been given each member, as to the time when, and place where, such meeting is to be held. At least once each month the supervisors shall cause to be audited all claims which have been incurred against the Home, when presented to them properly verified by the claimant or his agent, and when allowed shall issue orders for their payment.

Sec. 36. The Board of Supervisors may sue and defend, in the name of the Home, any cause of action involving the interest of said institution, and may employ counsel for that purpose.

Sec. 37. The Chief Examiner of Public Accounts of the State shall formulate a uniform system of keeping all the books, accounts and records, and prescribe blanks for a uniform system of reports of said institution, which shall definitely and accurately show, with respect to each institution, the itemized gross earnings and expenses; the net earnings or expenses; a classified summary of all products of the farm consumed, sold and on hand; the amounts invested in land, buildings, improvements and personal property; the description of the personal property; the per capita cost per week of maintaining the inmates, and the items upon which such per capita cost is computed; the total expense or saving to the institution on account of its operation, and such other information as may be required by the Board of Supervisors in order to give a full understanding of the investment, operation and management of the institution and the financial results of such management. The Board of Supervisors of each such institution shall cause said system of accounting and reporting to be installed, and shall conduct its business in conformity therewith; and shall have, from time to time, the books, records, documents, accounts and transactions of said institution inspected, examined and audited.

Sec. 38. There is hereby authorized, if deemed advisable, an executive committee of the Board of Supervisors with the chairman as ex officio a member and chairman of same, and two associate members, who shall be elected by a majority vote of

all the duly qualified members of the said Board of Supervisors, whose terms of office shall be fixed by the Board of Supervisors.

Sec. 39. The Executive Committee shall meet, in lieu of the Board of Supervisors, once each month at the county seat of the county in which the Home is located, or at the Home, if so designated by the chairman, for the purpose of passing upon and disposing of all accounts against the institution and transacting such routine business as may come to its attention. A full and detailed report of all matters attached to and transactions entered into shall be made by the executive Committee to the full Board at its next regular meeting, or at a meeting called for the purpose, and such action of the executive committee shall not be final until approved by a majority vote of the Board of Supervisors.

Sec. 40. The Chairman of the Board of Supervisors shall visit the Home at least once each two weeks, and oftener if necessary, in order to supervise and aid by direction and suggestion in the management of the institution.

Sec. 41. The Board of Supervisors shall cause the Superintendent to operate a farm for purpose of producing vegetables, fruit, meat, dairy products, chickens, eggs and other produce for consumption by the inmates of the institution, and the superintendent is authorized and directed to dispose of any surplus produce to the best advantage, and to pay over to the treasurer, or proper person designated, of the institution, at least once each week, all money received from the operation of the institution. Any money received from the operation of the institution shall be used by the board of supervisors toward defraying the expenses of said institution, a strict account of same being kept as provided for in this Act.

Sec. 42. The Board of Supervisors shall make a full and detailed report quarterly, to the Courts of County Commissioners, or Boards of Revenue, of the counties participating in the institution, setting out the number of inmates received from each county, number discharged, number of deaths, cost of maintenance, receipts from operation, if any, and giving such other detailed information as will acquaint the county boards with the operation and condition of the institution. The Board of Supervisors shall make an annual report each year, setting out in detail all information relative to the management and maintenance of the institution during the year just ending, and shall furnish a copy of same to the Governor of the State, the Courts of County Commissioners, or Boards of Revenue of their respective counties, and to the State Prison Inspector.

Sec. 43. The Court of County Commissioners or Board of Revenue of a county may designate convicts from the county under their charge, and the State Board of Administration may

also designate convicts to work on the farms or in other service at any home for the poor which is provided for by this Act, and to this end the said Court of Commissioners or Board of Revenue, or Board of Supervisors are authorized and empowered to construct necessary buildings on the premises of the home for the poor for the proper care of such convicts, and are authorized to make such orders and cause to be employed such attendants as may be necessary to carry out the provisions of this section.

Sec. 44. The Court of County Commissioners or Board of Revenue of a County, or the Board of Supervisors of a District, when contemplating the erection of either a county or district home for the poor, shall notify the State Prison Inspector in writing at least fifteen days before hand, submitting plans and specifications of all such contemplated work for the said Inspector's approval. Said State Prison Inspector shall have and exercise the same power and authority of supervision and direction over the building, repairing and management of said home as he now has and exercises over county and municipal jails and almshouses.

Sec. 45. All laws and parts of laws in conflict with any provision of this Act are hereby repealed.

Sec. 46. If any section of this act is declared unconstitutional it shall not affect the rest of the act.

Approved September 9, 1927.

No. 477)

(S. 257. Oliver

AN ACT

To amend Section 2848 relating to public health laws of Alabama, of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 2848 of the Code of Alabama, 1923, be amended to read as follows: Section 2848. (1638) Investigation as to Revocation of Certificate of Qualification. Whenever written complaint is made to the state board of medical examiners that a physician has committed any of the acts or come within any of the disabilities enumerated in the preceding section, the board shall hear and determine said complaint; the said hearing to be heard in the office of the State Board of Health in Montgomery, Alabama. The person whose qualification is under consideration shall have not less than twenty days written notice of the time and place of the initial hearing, which notice shall be accompanied by a copy of the complaint. Said notice may be served by any sheriff of the State of Alabama or by any member of the

medical association of the State of Alabama, and if served by a member of said association, the return of service shall be sworn to by said member before some officer authorized to administer affidavits. But, if said person is out of the State or evades service or cannot be served in person, then the service may be made by mailing a copy of the complaint and of the notice to said person at his last known post office address in this State, and the return shall show that service has been made in this manner. The investigation shall be held with as little publicity as practicable, consistently with a fair and impartial hearing but said person may elect to have said hearing in public. At the hearing the complainant and the person whose qualification is under consideration, and any other person who may be permitted so to do by the board shall have the right to introduce all such oral testimony, or written testimony, or both, as the board may deem relevant to the issues involved, and the right to be heard in person, or by counsel, or both. The board may permit the complaint to be amended, but no amendment shall be permitted that is not germane to the charge or charges sought to be amended or that materially alters the nature of any offense charged, or that of any essential specification under a change. The board shall have the right to determine all questions as to the sufficiency of the complaint, as to the procedure, and as to the admissibility and weight of evidence. If the person whose qualification is under consideration absents himself the hearing may proceed in his absence.

Approved September 6, 1927.

No. 478)

(S. 193. Stokes

AN ACT

To provide a code of laws authorizing and governing the issuance, sale, regulation, funding, refunding, paying and retiring of bonds of the counties and municipal corporations, and to repeal Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, and 266, Code of Alabama of 1923, and all other laws or parts of laws in conflict with this Act.

Be it Enacted by the Legislature of Alabama:

Article 1. GENERAL PROVISIONS.

Section 1. APPLICATION: The provisions of this code shall apply to all bonds issued by counties and municipalities of this State, provided, however, that this act shall not affect, modi-

fy, or repeal local, private, or special statutes, and those public laws not of a general and permanent nature, and those which now relate to or can apply to but one county, one municipality or one particular district.

Section 2. **DEFINITIONS:** In this code "municipality" means and includes any city, town, or incorporated village, now or hereafter created, except where clearly restricted.

Section 3. **CONSTRUCTION:** If any word, sentence, clause or section of this code shall be declared unconstitutional, the remainder shall stand.

Section 4. **DESIGNATION:** This act may be referred to and designated as "The Municipal Bond Code."

ARTICLE II. MUNICIPAL BONDS

Section 5. **MUNICIPAL BONDS, ELECTIONS FOR:** The governing body of any municipality in this state may order elections to be held in such municipality, voting upon and deciding the question as to whether or not the bonds of such municipality shall be issued for such purposes as are authorized by law, whenever such governing body deems this necessary.

Section 6. **OBJECTS AND PURPOSES FOR WHICH BONDS MAY BE ISSUED:** All municipalities shall have full and continuing power and authority within the limits of the Constitution now in effect or that may be hereafter provided, to issue and sell bonds, when such issue is authorized by the election herein provided for, for the following named purposes, to-wit: 1. for the purpose of construction of public buildings, sewers, streets, alleys, bridges and public schoolhouses and buildings and to purchase or acquire waterworks and light plants, or to construct the same, or to provide the same by purchases and improvements or by improvement alone. 2. For the purchase of real estate necessary for any improvement authorized by law, or for the site for any building or improvement to be used for public purposes. 3. For extending, enlarging, improving, repairing or securing the more complete use of and enjoyment of any building or improvement owned, purchased or constructed by the municipality, for equipping and furnishing the same. 4. For the erection of crematories or garbage disposal plants or for the purpose of providing other means for the disposal of garbage and refuse matter. 5. For the construction of streets and sidewalks, and for the repairing or improving of any street, or sidewalk or other public highway; for opening, widening and extending any street or public highways. 6. For purchasing or condemning any land necessary for street or highway purposes, and for improving the same by paying any portion of the cost of such improving. 7. For the erecting of infirmaries, hospitals,

pesthouses, or for rebuilding, extending, enlarging or repairing same. 8. For erecting prisons, workhouses, police stations, houses of refuge and correction. 9. For erecting market houses and providing market places. 10. For erecting city or town halls and public offices; public school houses and buildings to be used in connection with same; for the erection and establishment of public auditoriums, and other buildings for public meetings and for the purpose of re-building, extending, enlarging, repairing and equipping and furnishing the same. 11. For acquiring, providing or constructing water works, to supply water to such municipal corporations, or to the inhabitants thereof, and for the purpose of repairing, improving, extending or enlarging such water works system. 12. For the purpose of repairing, improving, and maintaining waterworks to supply water to the municipal corporations or to the inhabitants thereof. 13. For acquiring, providing or constructing lighting plants for supplying light to the municipality or to the inhabitants thereof. 14. For the purpose of repairing, improving, and maintaining lighting plants for supplying light to the municipality or to the inhabitants thereof. 15. For purchasing or providing grounds for cemeteries, or for enclosing, improving or embellishing the same; for building crematories and public burial vaults. 16. For the construction of sanitary and storm water sewers or drains, sewerage plants, filtration beds, and for the purpose of acquiring land or right of way for such purposes. 17. For establishing free public libraries and reading rooms. 18. For the establishment of public baths. 19. For improving any water course or water front, for constructing docks, wharves, landings, levees and embankments within the limits of the municipality and for the purpose of protecting a city from the encroachments of streams and rivers. 20. For the payment of obligations arising from emergencies, resulting from epidemics or floods or other forces of nature. 21. For the purchasing or condemning of the necessary land for parks, boulevards and public places; for improving or completing the same, or for acquiring additional land for parks, boulevards or public places. 22. For constructing or repairing viaducts, bridges and culverts, and for purchasing or condemning land necessary therefor; for the purpose of constructing bridges or tunnels over or under any railroad track, or for the abolition of grade crossings, and for the purpose of paying for damage caused to abutting property owners by the construction of any one of the improvements named in this subdivision. 23. For erecting any building necessary for a fire department, for the purchase of fire engines, fire boats, or fire equipment; for constructing water towers, reservoirs and cisterns, or for paying the cost of placing underground the wires or other signal apparatus of any fire department. 24. For the purpose of providing

for the payment of any obligations of any municipal corporation, whether arising from administration or from the acquisition of any property for public use or the construction of any improvement or otherwise, or whether said obligations shall have matured or not at the time of said issue. 25. For the payment of any deficiencies in the revenue of any municipal corporation; for the funding of floating debts, and for such other purposes as may be authorized by law or by the charter of any municipal corporation. 26. For the purpose of providing any money or moneys deemed necessary by the governing body to provide for the administration of the city to the expiration of the fiscal year. 27. For constructing, establishing or acquiring abattoirs and the necessary land upon which to operate same. 28. For the erection of public comfort stations. 29. For any other purpose for which it is authorized by law to expend money.

Section 7. NOTICE OF ELECTION. Notice of any election held under the provisions of this article shall be given by publication in a newspaper published in the municipality in which such election is to be held, once a week for three successive weeks, the first publication to be made at least 30 days before the election, which notices shall state the purpose for which the election is to be held, and the time and place of holding the same, and amount of the proposed bond issue, the maximum rate of interest the bonds are to bear, the time or times when the bonds are to mature and the amount that is to mature at each such time, and the purpose for which the bonds are to be issued, and such notice shall be signed by the mayor, or other chief executive of such municipality in which such election is to be held, and if no newspaper is published therein, such notice must be posted in five public places in said municipality at least thirty days before the time of holding said election.

Section 8. BALLOT; FORM AND CONTENTS OF:—The ballot used at such election shall be prepared under the direction of the mayor or other chief executive officer and shall be in such form as may not be inconsistent with the Constitution of Alabama.

Section 9. CONDUCT OF ELECTION: The governing body of any municipality, in which an election is held under this article, shall designate the number and location of voting places, and shall appoint three managers, two clerks, and one returning officer for each voting place in such municipality to conduct said election. The mayor or other chief executive shall notify the managers, clerks, and returning officers of their appointment, and shall deliver the box and ballots to the managers at the several voting places in the municipality.

Section 10. EXPENSES OF ELECTION:—All expenses for holding such election shall be paid out of the treasury of the

municipality in which the same is held and the managers, clerks, and returning officers shall be entitled to the same compensation as managers, clerks, and returning officers at other municipal elections.

Section 11. CANVASS, RETURNS AND DECLARE RESULTS:—The governing body of such municipality in which an election has been held under this article, shall constitute a board to canvass the returns and declare the result of such election, and such governing body shall meet at the usual place of meeting on the day after the date of holding such an election and at that time or at a subsequent meeting, to which such meeting may be adjourned, shall canvass the returns and declare the result of said election.

Section 12. RECORD OF RESULT OF ELECTION:—The record of the result of the election as ascertained and declared by the board of canvassers shall be recorded in the minutes of the proceedings of such municipality, and when so recorded shall be conclusive evidence of the matters therein stated, and the validity of such election, unless contested, as hereinafter provided. No form shall be required for such record, but it will be sufficient if the record plainly and manifestly shows the votes cast for and against the proposition submitted to the electors.

Section 13. ELECTION CAN BE CONTESTED: Any election held under the provisions of this article can be contested by any qualified elector of the municipality, by executing a bond with sufficient security to be approved by the Judge of Probate of the County for the payment of the costs of the contest.

Section 14. NOTICE AND HEARING OF CONTEST:—Notice of contest shall be served on the mayor, or chief executive officer of the municipality in which such election was held, when the bond for costs has been approved by the Judge of Probate of the County. The municipality shall be made contestee, and an answer shall be filed in the name of such municipality. Said contest shall be a preferred case in all courts.

Section 15. LIMITATIONS OF ACTIONS:—No action shall be commenced to test the validity of any election held by any municipality of this State for the purpose of issuing bonds unless the said action be commenced within forty days, from the date of the said election.

Section 16. ISSUING BONDS:—If at any election held under and according to the provisions of this article, a majority of the qualified electors voting upon such proposition vote in favor of the issuance of said bonds, and the result is ascertained and declared as hereinbefore set out, the governing body shall issue the bonds of such municipality in the amount and for the purposes and payable at the times and in the respective amounts mentioned in the notice of the said election, provided that if sub-

sequent to the said election the governing body shall determine that the entire amount of bonds mentioned in the election notice is not required for carrying out the purpose mentioned in the election notice, the said governing body may issue such lesser amount of bonds as it may determine to be adequate for the said purpose, and may designate the amounts and maturities of the bonds described in the election notice which shall not be issued, but so that the amounts and maturities of the bonds to be issued shall meet the requirements of Section 52 of this code. Nothing herein contained shall prevent the governing body from issuing the said bonds from time to time as the proceeds thereof may in its judgment be needed.

Section 17. BONDED INDEBTEDNESS ADJUSTED, REFUNDED, ETC.:—The governing bodies of any municipality, now having bonds outstanding, may, without an election, issue bonds of the municipality for the purpose of refunding such bonds to an amount not exceeding the principal amount of the bonds to be so refunded.

Section 18. INDEBTEDNESS SECURED BY MORTGAGE, ETC.,—Where the bonds to be refunded are secured in whole or in part by a lien, Mortgage, or deed of trust, upon any property belonging to the Municipality, such Municipality may make a new lien, mortgage, or deed of trust upon such property to secure the payment of such refunding bonds.

Section 19. EXECUTION AND DELIVERY OF BONDS:—Bonds of a Municipality shall be signed by two or more officers of the Municipality holding office at the time of such signing, one of which officers shall be the Mayor or other chief executive officer, and the corporate seal of such Municipality shall be affixed to the bonds. Interest coupons attached to bonds may bear a facsimile signature of one or both of said officers. The delivery of bonds so executed shall be valid, notwithstanding any changes in officers or in the seal of the Municipality after the signing and sealing of the bonds.

Section 20. RECEIVABLE FOR TAXES:—Such bonds and coupons shall after the maturity thereof be receivable in payment of all taxes and dues to the Municipality issuing the same.

Section 21. GENERAL ELECTION LAWS GOVERN:—Where no provisions are otherwise made herein, the general election laws of the State then in existence with regard to all notices, qualifications of voters, official acts and things to be done in connection with ordering and holding elections, making returns, canvassing, and certifying the same, shall govern in all respects and all penalties fixed for wrongful acts and violations of the general election laws of the State shall apply to similar acts and violations in all elections held under this article. The provisions of this article relating to the calling of elections are

mandatory, and those relating to the conduct and method of canvassing the same are directory.

Section 22. AUDITS:—There shall be an annual audit by a certified public accountant or other disinterested Public Accountant of every Municipality having, according to the last or any subsequent Federal census as much or more than 2,000 population, and an audit biennially for municipalities with less than 2,000 population according to the last or any subsequent Federal census. Said audit shall describe in detail each bond issue outstanding and shall disclose the provision made for payment thereof. In the case of assessment bonds it shall show the amount of assessments 12 months or more past due pledged for the payment of each series of bonds and the amount of all other assessments and the estimated deficit, if any, to be paid out of the general revenues of the Municipality. One copy of such audit shall be filed with the Clerk of the Municipality.

ARTICLE III. COUNTY BONDS.

Section 23. ORDERING ELECTION FOR ISSUING BONDS:—The governing body in the several counties may order elections to be held in their respective counties for deciding whether or not the bonds of the county shall be issued for such purposes as are authorized by law.

Section 24. PURPOSES AND OBJECTS FOR WHICH BONDS MAY BE ISSUED: All counties shall have full and continuing power and authority within the limits of the Constitution now in effect or that may be hereafter provided to issue and sell bonds, when such issue is authorized by the election herein provided for, for the following named purposes, to-wit: 1. To purchase and acquire or construct court houses, jails, poorhouses, hospitals, asylums for the insane, tuberculosis sanatoriums, workhouses, and houses of correction, and other public buildings. 2. For the purchase of real estate for any improvement authorized by law, or for the site for any building or improvement to be used for public purposes. 3. For extending, enlarging, improving, repairing or securing the more complete use of and enjoyment of any building or improvement, owned, purchased, or constructed by the county and for equipping and furnishing the same. 4. To fund floating debt. 5. To acquire land for County parks and improve the same. 6. To provide for the purchase or the original construction and improvement of highways and bridges, whether such bridges are wholly within the county or are across streams, waters, swamps, overflowed, submerged or inundated lands or lowlands, lying partly within the limits of another County. 7. For the purpose of providing for the payment of the whole or any part of the cost of the acquirement, con-

struction, extension, improvement, repair or re-construction of dikes, levees, embankments, seawalls or other protection against seas, storms and floods or the encroachment of streams, rivers, waters or seas, and the whole or any part of the cost of draining, filling, elevating or reclaiming swamps or submerged, inundated or overflowed lands or lowlands located within the limits of such county, and for the purpose of Constructing sanitary and storm sewers within the limits of said county. 8. For any other purpose for which it is authorized by law to expend money.

Section 25. NOTICE OF ELECTION:—Notice of such election shall be given by publication in a newspaper published in the county in which the election is to be held once a week for three successive weeks, the first publication to be made at least thirty days before the election, which notice shall state the purpose for which the election is to be held, and the time and places for holding the same, the amount of the proposed bond issue, and the maximum rate of interest proposed to be paid, and the time or times when the bonds are to mature and the amount that is to mature at each such time, and the purpose for which the bonds are to be issued, and such notice shall be signed by the Probate Judge or Chairman of the governing body or by such other person as the governing body may designate; and if no newspaper is published in the county the notice must be posted in five public places in the county at least thirty days before the time of holding the election.

Section 26. BALLOT; FORM AND CHARACTER OF:—The ballot used at such election shall be prepared under the direction of the Probate Judge and shall be in such form as may not be inconsistent with the Constitution of Alabama.

Section 27. CONDUCT OF ELECTION:—The Probate Judge, the Circuit Clerk, and the sheriff of the counties in which elections are held under this article, within ten days after notice in writing to them of the calling of such election, shall appoint three managers, two clerks, and one returning officer to conduct the election in each beat or polling place in the county; and said managers shall all reside in the beats, wards, or precincts where they are appointed to serve, and shall be qualified electors at date of said election. The sheriff shall notify the managers and returning officers of their appointments, and shall send out the boxes and ballots to the several beats or voting precincts in the county promptly.

Section 28. EXPENSES OF ELECTION: All expenses for holding such elections shall be paid out of the treasury of the county in which the same is held; and the managers, clerks, and returning officers shall be entitled to the same compensation as managers, clerks, and returning officers of the general election.

Section 29. CANVASSING BOARD:—The Clerk of the circuit court, Probate Judge and sheriff of the county in which an election is being held under this article shall constitute a board to canvass the returns and declare the results of such election, and they shall meet at the courthouse of the county in which the election is to be held on the Saturday following holding said election and canvass the returns and declare the result of said election; and in case either of the three should be absent, the two present shall act.

Section 30. RECORD OF RETURNING BOARD:—The record of the result of the election held hereunder, as returned by the board of canvassers, shall be recorded in the minutes of the governing body of the county in which the same is held, and when so recorded the record shall be conclusive evidence of the matters therein stated, and of the validity of such election, unless contested, as provided in the preceding section.

Section 31. CONTEST:—A contest of the election held under this article in any county may be made by any qualified elector of the county by executing a bond, with sufficient security to be approved by the Judge of Probate of the county for the payment of the costs of the contest.

Section 32. NOTICE AND HEARING OF CONTEST:—Notice of the contest shall be served on the circuit solicitor of the county in which the contest is instituted, and said solicitor shall respond in the name of the county, and the County shall be contestee. In all courts said contest shall be a preferred case.

Section 33. LIMITATIONS OF ACTIONS:—No action shall be commenced to test the validity of any election held by any county of this State for the purpose of issuing bonds unless the said action be commenced within forty days from the date of the said election.

Section 34. ISSUING BONDS: If at an election held under and according to the provisions of this article, a majority of the qualified electors of the county voting upon such proposition vote in favor of the issuance of said bonds and the result is ascertained and declared as hereinbefore set out the governing body shall issue bonds of such county in the amount and for the purpose and payable at the times and in the respective amounts mentioned in the notice of said election, provided that if subsequent to the said election the governing body shall determine that the entire amount of bonds mentioned in the election notice is not required for carrying out the purpose mentioned in the election notice, the said governing body may issue such lesser amount of bonds as it may determine to be adequate for the said purpose, and may designate the amounts and maturities of the bonds described in the election notice which shall not be issued, but so that the amounts and maturities of the bonds to be issued

shall meet the requirements of Section 52 of this Code. Nothing herein contained shall prevent the governing body from issuing the said bonds from time to times as the proceeds thereof may in its judgment be needed.

Section 35. COUNTIES MAY SETTLE, ADJUST AND REFUND BONDED INDEBTEDNESS:—The governing body of any county now having bonds outstanding may without an election issue bonds of the county for the purpose of refunding such bonds to an amount not exceeding the principal amount of the bonds to be so refunded.

Section 36. PROPERTIES OF REFUNDING OUTSTANDING BONDS:—All bonds issued under the authority of the preceding section shall have all the security and protection to which the original bonds were entitled.

Section 37. SPECIAL TAX LEVY:—Where the levy of a special tax was or is authorized to be made to provide for the payment of the principal and interest of such outstanding bonded indebtedness, and said governing body is authorized to levy a like tax for the payment of the principal and interest of bonds which may be issued under the authority of the two preceding sections, for the purpose of refunding the said outstanding bonds.

Section 38. EXECUTION AND DELIVERY OF BONDS:—Bonds of a county shall be signed by two or more officers of the county holding office at the time of such signing, one of which officers shall be the Probate Judge or other chief executive officer, and the seal of the county or of the Probate Court thereof shall be affixed to the bonds. Interest coupons attached to bonds may bear a facsimile signature of one or both of said officers. The delivery of bonds so executed shall be valid notwithstanding any change in officers or in the seal after the signing and sealing of the bonds.

Section 39. GENERAL ELECTION LAWS GOVERN:—Where no provisions are otherwise made herein, the general election laws of the State then in existence with regard to all notices, qualifications of voters, official acts, and things to be done in connection with ordering and holding elections, making returns, canvassing and certifying the same shall govern in all respects; and all penalties fixed for wrongful acts and violations of the general election laws of the state shall apply to similar acts and violations in all elections held under this article. The provisions of this article relating to the calling of elections are mandatory and those relating to the conduct and the method of canvassing the same are directory.

ARTICLE IV. PUBLIC IMPROVEMENT BONDS.

Section 40. IMPROVEMENT BONDS:—For the purpose of providing funds to pay the cost of street and sidewalk im-

provements, sanitary or storm water sewers or sewer systems, including treatment and disposal plants and water service connections, or other improvements, whether of a like or any different kind, the cost of which, in whole or in part, is proposed to be assessed against the property abutting on said street or sidewalk improved or drained, serviced or benefited by such sanitary or storm water sewer or sewer system or water service connection, or served, improved, increased in value, or otherwise specially benefited by such improvement, for which purpose the Constitution may now or hereafter permit the issue of bonds without an election, the governing body of any municipality may, without an election, from time to time, issue bonds of such municipality not in excess of the cost of the improvements, as estimated at the time of the issue of the said bonds, if said bonds are issued prior to the completion or during the construction of said improvements; if said bonds are issued after the work is completed, such bonds shall not exceed in the aggregate the total cost of the improvements. The governing body of such municipality may pledge, as security for such bonds, the proceeds of the assessments made or to be made against the property benefited, and may transfer and assign, for the benefit of the bond holders, the lien of the municipality thereon with power to enforce the same either at law or in equity. The making of one loan or the issue of one series of bonds shall not exhaust the power of the municipality to provide sufficient funds for the completion of the improvement. No irregularities or technical defects in the proceedings relating to the making of the improvements shall prevent the issue of bonds hereunder.

Section 41. MATURITIES AND SALE OF BONDS:—Such bonds shall be subject to the provisions of Article V hereof except that they shall be payable in annual installments beginning one year and ending ten years from the date of the bonds the amount of no installments to exceed the amount of any other installment by more than \$1000.00 and except that they may either be sold according to Article V hereof or be delivered at not less than par and accrued interest to the contractor in payment or part payment for the work.

Section 42. BONDS BY MUNICIPALITIES OF LESS THAN SIX THOUSAND INHABITANTS:—Any municipality having a population of less than six thousand, and not excepted from the provisions of the Constitution prescribing the limit of indebtedness which may be incurred by municipalities of less than six thousand inhabitants, and having existing indebtedness of such an amount as would preclude such municipality from issuing improvement bonds of the character above described, may, notwithstanding the amount or character of any bonds or other indebtedness, issue such bonds, the same to be a lien or

charge against the property improved and against the funds collected from the assessment levied against the property improved, but shall not be the general obligation of the municipality, nor shall such municipality be in any way liable to the holders of such bonds in the case of failure to collect the same; such bonds when issued shall convey and transfer to the owners thereof all right, title, and interest in and to the assessment, and the lien upon the respective lots or parcels of land herein provided for, which lien and assessment shall stand as security for such bonds or coupons to enforce the collection thereof by foreclosure in any court of competent jurisdiction. The first bond or coupon holder who institutes a foreclosure suit in any court against any property assessed, shall only be entitled to have the proceeds of said suit applied pro rata to the payment of his own bonds and the bonds held by others so that not more than one foreclosure suit shall be brought against any one lot or parcel of land. The costs of such foreclosure suit, including a reasonable attorney's fee, where the first bond or coupon holder is represented by an attorney in the foreclosure suit, shall be ascertained by the court and deducted from the proceeds of said suit before it is pro rated, as herein provided. Provided, however, that this section shall become void and inoperative from and after the adoption by the people of any constitutional amendment authorizing or permitting cities and towns of less than six thousand population to exclude from the constitutional debt limit of said cities or towns indebtedness thereafter incurred for sewer, street, sidewalk, or other improvements, whether of a like or different kind, to the extent that the cost thereof has been or is proposed to be assessed against the property benefited thereby.

Section 43. PROCEEDS OF BOND SALE: HOW APPLIED:—The proceeds from the sale of bonds authorized to be issued by this article shall be applied only to the payment of the cost of the improvement or improvements designated in the ordinance providing for their issue, but should there be any surplus from any bond issue over and above such cost, it shall be applied to the payment of the principal of the bonds.

Section 44. ASSESSMENTS UNDER DIFFERENT ORDINANCES MAY BE GROUPED FOR THE ISSUE OF BONDS: Any municipality desiring to issue bonds under this article shall have power to group improvements under two or more improvement ordinances and make one issue of bonds under this article based on the combined estimated costs or combined assessments in respect of such improvements.

Section 45. DEPOSIT OF FUNDS ARISING FROM ASSESSMENTS; HOW DRAWN OUT:—The official charged with the duty of collecting assessments shall keep all sinking funds in some bank or banks paying interest on time deposits to be des-

ignated by the governing body of said municipality, and shall provide and keep a separate sinking fund account for each bond issue. If said officer shall fail to provide and keep said separate sinking fund account for each such bond issue in said bank or banks or shall divert any of such funds to other uses or shall fail to pay any bond or bonds or the interest thereon properly payable from said funds, when available, any tax payer of the issuing municipality or any holder of bonds of the series affected by such diversion or failure, whether of bonds heretofore issued or to be hereafter issued, shall have the right to apply for a writ of mandamus, requiring said official to take such action, to any court of competent jurisdiction and said court shall on proof issue and enforce said writ.

Section 46. OFFICERS COLLECTING ASSESSMENTS LIABLE ON OFFICIAL BONDS FOR FUNDS:—The official charged with the duty of collecting assessments shall be required to give bond, including the amount of any official bond which may have been required of him by law, equal to not less than five per cent of the total amount in said sinking funds provided for in the preceding section and said bonds shall be increased and may be diminished from time to time in order to comply with this provision; the cost of said increased bond shall be paid by the municipality. Said official shall be liable on his official bond to any holder of the bonds authorized to be issued under this article, for any loss or injury to such holder caused by the diversion by said officer of any fund or part thereof, to the payment of any bonds or coupons, or indebtedness of the municipality, other than the bonds and interest coupons entitled and indebtedness herein authorized to be paid out of said fund or by the use or misappropriation by said officer of any part of the funds out of which said bonds required and contemplated in this article to be paid for any other purpose than provided for in this article; or for the benefit of the municipality or others. All members of the governing body or bodies of the municipality, who shall, by their vote, or in any other manner, cause, aid, or encourage any such diversion, use or misappropriation of the funds out of which the bond holders are entitled to be paid, for any other purposes than that authorized and required in this article, whereby loss or injury to the bond holders or any of them is caused, shall be jointly and severally liable to such bond holders injured, to the extent of such loss or injury. Any failure by any of the above officials to keep all funds collected from assessments in separate sinking funds in the bank or banks as provided in this article or to retire bonds when due out of such funds when available shall be construed as a diversion or misappropriation and any bond holder of a bond in the series affected, may, at any time enter suit against said official or officials in any court of competent jurisdiction for the satisfaction of such loss and injury.

Section 47. REDEMPTION OF BONDS:—At any time when the amount of any particular fund shall, with its accumulations, equal the amount of any one of the outstanding bonds and accrued interest entitled to payment out of such fund, the governing body of such municipality shall have authority to redeem any and all such bonds that may be presented for redemption at such times thereafter as the holders thereof may desire to present the same for redemption.

Section 48. REFUNDING TO PARTIES PROPORTIONATE AMOUNT OF EXCESS:—In the event the amount collected from the assessment under any improvement ordinance shall exceed the total cost and expense of the improvement, there shall be refunded to each of the parties affected by said assessment a proportionate amount of the excess upon demand made therefor by said parties within twelve months after maturity or payment of the bonds authorized by this article.

Section 49. LIMITATION FOR PRESENTING CLAIM:—If such claims be not presented within twelve months from the date of the maturity or payment of the bonds, they shall be forever barred, and such amount shall be converted to the general revenue fund of the municipality.

Section 50. MUNICIPALITIES CONSOLIDATED: OBLIGATIONS OF CONTINUING MUNICIPALITY:—When any two or more municipalities are consolidated by special act, or under the general law, all assessment bonds upon property for improvements or obligations issued by such municipalities shall be the primary obligation of the municipality which continues its existence; which municipality may make all assessments and do any and all acts necessary to complete the improvements or contracts made by the municipality absorbed, and shall issue its bonds for said improvements when completed, as was authorized by the municipality absorbed, and such municipality shall assume and be subject to all liabilities and rights of action of such absorbed municipality.

ARTICLE V. PROVISIONS APPLICABLE TO ALL BONDS.

Section 51. PLACE OF PAYMENT OF BONDS:—All bonds may be made payable at the office of the State Treasurer of Alabama, or at such other places as the proper governing body may designate.

Section 52. MATURITY OF BONDS:—The principal of each issue of bonds issued under this code except bonds issued under Article IV hereof shall be payable in annual installments, none of which shall be more than twice as large as the smallest prior installments, and the first of which shall be payable not later than three years after the date of the bonds. The last in-

stallment, except in the case of deficiency, funding or refunding bonds, shall be payable within the period of usefulness of the improvement or property for which the bonds are issued estimated according to section 53 hereof. In the case of deficiency, funding or refunding bonds the last installment shall be payable not later than thirty years from the date of the bonds, and in the case of refunding bonds the last installment shall be payable not earlier than fifteen (15) years from the date of the bonds. In no event shall the last installment of any bonds issued under this code be payable more than thirty years from the date of the bonds. If all of the bonds of an authorized issue are not issued at the same time, the bonds at any one time outstanding shall mature as aforesaid.

Section 53. PERIOD OF USEFULNESS:—The governing body shall estimate the period of usefulness of the improvement or property for which the bonds are issued and such estimate of the governing body shall be conclusive.

Section 54. REGISTERED OR COUPON BONDS:—Bonds issued under this code may be issued either in registered or coupon form. If they are coupon bonds, they may be made registerable either as to principal or as to both principal and interest. The governing body may appoint a bank or trust company within or without the State of Alabama as registrar and provide for the registration of registerable bonds and the transfer of registered bonds by such registrar.

Section 55. SELLING PRICE:—All bonds issued under this code shall be sold by the governing body at not less than 95% of their par value together with accrued interest from the date of the bonds to the date upon which they are delivered and paid for.

Section 56. ADVERTISEMENT AND SALE:—All bonds issued under this code shall be sold to the highest bidder at public sale unless sold within thirty days after failure to receive any legally acceptable bid at a duly advertised public sale in accordance with this section. A public sale shall be either on sealed bids or at auction. The notice of a public sale shall state whether the sale is to be on sealed bids or at auction and shall also state the amount of the bonds to be sold, the maturities thereof, the amount payable at each maturity, and either the rate of interest which the bonds are to bear or that the bidders are invited to name the rate of interest in their bids, and shall also state the time and place of sale or for submitting sealed bids. Such notice shall be published once in each of two consecutive weeks in a newspaper published in the municipality issuing the bonds, or if there is no such newspaper, or if the sale is of county bonds, in a newspaper published in the county issuing the bonds or in which such municipality is situated. The first of such two publications

shall be not less than ten days before the last date for submitting bids, if the sale is on sealed bids, or the date of sale, if the sale is at auction, and if there is no newspaper meeting the above requirements the notice shall be posted at three public places in the county or municipality issuing the bonds for at least a like period of ten days. The governing body shall have the right to reject all bids. Nothing herein contained shall prevent the issue of bonds under Article IV hereof to the contractor in accordance with the provisions of that article.

Section 57. HIGH BIDDER; HOW DETERMINED:—In determining the highest bidder for bonds offered for sale, the net interest cost to the county or municipality as shown in standard bond value tables shall govern; provided, the determination of the governing body of such county or municipality shall be final.

Section 58. APPLICATION OF PROCEEDS OF SALE:—The proceeds of the sale of any bonds hereafter issued shall be used for the purposes for which the bonds are issued; provided, however, that if such bonds are sold at a premium, the amount realized from such premium shall be applied to the payment of the principal of said bonds, and if for any reason any part of the proceeds of the sale of such bonds, other than premiums, be not necessary for such purposes, such unexpended part of such proceeds shall be applied to the payment of the principal of the said bonds.

Section 59. BONDS INCONTESTABLE THIRTY DAYS FROM DELIVERY:—Any bonds reciting that they are issued pursuant to this code shall in any action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith, and with all other provisions of statutes applicable thereto and shall be incontestable, anything herein or in other statutes to the contrary notwithstanding, unless such action or proceeding is begun before or within thirty days after the day upon which the bonds are delivered and paid for.

Section 60. SPECIAL TAX FOR PAYMENT OF BONDS: In every county and municipality the officers charged by law with the duty of levying taxes shall annually, without further authority, levy a tax, insofar as such a tax is or may be permitted by the present or any future provisions of the constitution, sufficient to pay (a) bond interest falling due in that year of all bonds issued after the date of approval of this act; (b) the principal of all serial bonds, issued after the date of approval of this act, falling due during the current fiscal year; (c) the sinking fund appropriation for the current fiscal year, if any, required by any agreement heretofore made or by any proceedings heretofore taken to establish a sinking fund for the payment of bonds now outstanding; (d) such arrears of interest, principal

or sinking fund payments as should have been made hereunder in any prior year, but which were not so made, provided the amount of such annual tax shall be decreased by the amount of special assessments or other funds on hand and appropriated to the said purposes, and provided, further, that such county or municipality shall not be required to divert to the purposes set out in sub-paragraphs (c) and (d) above the proceeds of any tax now authorized to be levied to pay for the expenses of the city Government or general purposes of said county or municipality. Such tax shall be collected like other taxes, and shall be applied solely to the said purposes. Nothing herein contained shall prevent any county or municipality from applying funds derived from other taxes, or from any other source to the payment of bonds, heretofore or hereafter issued, or interest thereon, or from establishing a sinking fund for the payment of principal of bonds heretofore issued.

Section 61. SINKING FUNDS:—All sinking funds provided for the retirement of bonds shall be invested in bonds of such sub-division, or in bonds of the United States of America, or in bonds of the State of Alabama, or in bonds of any County in the State of Alabama, or any municipal corporation of the State of Alabama, or deposited in bank on interest. All sinking funds created by resolution or ordinance heretofore adopted must be properly set aside each year in accordance with the resolution or ordinance provided for the same, and a report made thereof and filed with the clerk of the Municipality or with the Probate Judge of the County, as the case may be, showing in detail how said sinking fund is invested or deposited. All contracts now in effect for purchasing savings certificates, under the law as it heretofore existed, shall continue as legal investments.

Section 62. MANDAMUS PROCEEDINGS:—Any court having jurisdiction shall issue mandamus for the levy and collection and proper application of the tax required by section 60 hereof or for the setting aside and proper application of sinking fund payment as required by law upon proper proof of non-compliance with the provisions of law being furnished by any tax pay or bond holder.

Section 63. MORTGAGE OF PUBLIC PROPERTY:—Any county or municipality of this state may mortgage any public property for the payment of any debt contracted in connection with such mortgaged property either originally or as a renewal, and such mortgage shall be admitted to record in the office of the Probate Judge of any county of this State without the payment of any tax upon the debt secured thereby, or any other fee or charge except the costs of recording the instrument at the rate fixed by law.

Section 64. NEGOTIABLE NOTES FOR TEMPORARY BORROWING IN ANTICIPATION OF THE SALE OF BONDS:—Whenever bonds of any county or municipality shall have been authorized hereunder at any election, or by the governing body thereof in cases where an election is not required, such governing body may from time to time in anticipation of the sale of such bonds issue negotiable notes of such county or municipality, for the purpose for which such bonds shall have been authorized, to an amount at any one time outstanding not exceeding the maximum authorized amount of such negotiable bonds, and bearing interest at a rate not exceeding the maximum authorized interest rate of such bonds. Such notes shall be signed as the governing body may prescribe, and shall be made payable as the governing body may determine not later than one year from their respective dates, and may be renewed from time to time by the issue of new negotiable notes hereunder provided that no such negotiable notes shall be payable more than three years from the date of the original borrowing. All negotiable notes hereunder shall be sold by the governing body at either public or private sale in such manner as it may determine at not less than 95 per cent of their par value with accrued interest. If negotiable notes are issued hereunder in anticipation of the sale of bonds, such bonds shall not be dated later than the date of the original borrowing.

Section 65. BONDS SHALL BE EXEMPT FROM TAXES: All bonds and interest coupons attached to the same, issued under the authority of this code, shall be exempt from state, county and municipal taxation.

Section 66. IRREGULARITY SHALL NOT AFFECT VALIDITY:—No irregularity in the proceedings to authorize the issue of bonds under this code, nor the omission or neglect of any officer charged with the execution of any duties imposed by this code shall affect the validity of any bonds issued under this authority.

Section 67. PROPERTY OF BONDS:—Such bonds shall have all the properties and protection of commercial paper.

Section 68. Any funds of any municipality or county, to the credit of any sinking fund on hand when this Act becomes effective, or which may hereafter come into the hands of such county or municipality to the credit of any sinking fund, may be by such county or municipality invested in bonds of the United States of America, bonds of the state of Alabama, or of any county or municipality thereof, or in any public improvement bonds issued by any municipality in the State of Alabama, which are general obligations of such municipality.

Section 69. This Act shall not apply to any bonds which had been authorized in accordance with the terms of existing law,

prior to the date when this Act becomes effective, but which had not been sold or delivered, and nothing in this Act contained shall prevent the sale or delivery of any bonds which prior to the time when this Act becomes effective had been authorized in accordance with the provisions of existing law.

Section 70. The following sections of the Code of Alabama are hereby repealed, viz: Sections 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2269, 2270, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 234, 235, 236, 237, 238, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, and all other laws or parts of laws in conflict with any of the provisions of this Bond Code; and all other laws fixing interest rates on county and municipal bonds are hereby repealed.

Section 71. This Act shall take effect upon its approval by the Governor.

Approved September 10, 1927.

No. 479.)

(S. 112. Young

AN ACT

To amend Sections 3289, 3290, 3291, 3292, 3293 and 3294 of the Code of Alabama, relating to the crime of arson and attempt to commit arson.

Be it Enacted by the Legislature of Alabama:

That Sections 3289, 3290, 3291, 3292, 3293 and 3294 of the Code of Alabama be amended so as to read as follows: Section 3289. Arson in the first degree. Any person who wilfully sets fire to or burns, or causes to be burned, or who aids or procures the burning of any dwelling house, or any kitchen, shop, barn, stable, or other out house within the curtilage of such dwelling house, the property of another; or any person who, with intent to defraud, sets fire to or burns or causes to be burned, or who aids or procures the burning of any dwelling house, kitchen, shop, barn, stable or other out house within the curtilage of such dwelling house, the property of himself, shall be guilty of arson in the first degree, and must, upon conviction thereof, be punished by imprisonment in the penitentiary for not less than two nor more than twenty years; provided said arson shall not produce the death or maiming of any person, but, if the said arson shall produce the death or maiming of any person, the punishment shall be death or imprisonment in the penitentiary for life, at the discretion of the jury. The following form of indictment (caption, commencement and conclusion to be supplied as provided by Section 4556 of the Code) shall be sufficient under this

Section: A. B. willfully set fire to, or burned or caused to be burned, or aided or procured the burning (as the case may be) a dwelling house (or other building describing it), the property of C. D.; or with intent to defraud set fire to or burned, or caused to be burned, or aided or procured the burning of a dwelling house (or other house within the curtilage of such dwelling house) the property of himself; (if it is alleged that said arson has produced the death or maiming of any person, this allegation shall be added.) Section 3290. Arson in the second degree. Any person who willfully sets fire to, or burns or causes to be burned, or who aids or procures the burning of any barn, stable or other building, the proper of another, not within the curtilage of a dwelling; or any shop, store, warehouse, store house, factory, mill, or other building, the property of another; or any church, meeting house, court house, work house, school, jail, or other public building, or any public bridge; or any cotton house, gin house, seed house, garage or crib, or any steam boat or vessel, or any railroad coach or car, or any street car, car, car shed, the property of another; or any person who with intent to defraud, sets fire to or burns or causes to be burned, or who aids or procures the burning of any of the property named in this section, belonging to himself, shall be guilty of arson in the second degree, and must, on conviction thereof, be punished by imprisonment in the penitentiary for not less than two nor more than ten years; provided, the arson shall not produce death or maiming of any person, but if the said arson shall produce death or the maiming of any person, the punishment shall be death or imprisonment in the penitentiary for life, at the discretion of the jury. The following form of indictment (caption, commencement and conclusion to be supplied as provided by Section 4556 of the Code) shall be sufficient under this Section: A. B. willfully set fire to or burned, or caused to be burned, or aided or procured the burning (as the case may be) a stable (or other building) the property of C. D., not within the curtilage of a dwelling; or a shop (or other building) the property of another; or, with intent to defraud, set fire to or burned, or caused to be burned, or aided or procured the burning of (any of the property named in this section) belong to himself; (if it is alleged that said arson has produced the death or maiming of any person, this allegation shall be added.) Section 3291. Attempts to commit arson. An attempt to commit arson, in either the first, second or third degree, is a felony punishable on conviction by imprisonment in the penitentiary for not less than one nor more than two years. Section 3292. Sufficiency of indictment for attempt to commit arson. An indictment for an attempt to commit arson is sufficient if it alleges that the person charged "did attempt to willfully" (here set out the further elements of the offense charged

in the same manner as provided for arson in the first, second and third degrees). Section 3293. Arson in the third degree. Any person who willfully sets fire to, or burns or causes to be burned, or who aids or procures the burning of any barracks, crib, rick, or stack of hay, or any cotton pen containing cotton, or corn crib, or corn pen containing corn, wheat, oats, barley or other grains, or vegetable products of any kind, or any automobile, motor truck, or other motor vehicle, or any other personal property not specifically named herein, such property being of the value of twenty-five dollars or more, the property of another; or any person who, with intent to defraud, sets fire to or burns or causes to be burned, or who aids or procures the burning of any of the property named in this section, the property of himself, shall be guilty of arson in the third degree, and must, upon conviction thereof, be punished by imprisonment in the penitentiary for not less than one nor more than five years. The following form of indictment (caption, commencement and conclusion to be supplied as provided by Section 4558 of the Code) shall be sufficient under this section: A. B. willfully set fire to, or burned or caused to be burned, or aided or procured the burning (as the case may be) a crib, (or other building describing it), of the value of twenty-five dollars or more, the property of C. D.; or with intent to defraud set fire to or burned, or caused to be burned, or aided or procured the burning of a crib (or other property named in this section) the property of himself. Section 3294. Burning insured property—arson third degree. Any person who willfully, or with intent to charge, injure or defraud the insurer, sets fire to or burns, or causes to be burned, or who aids or procures the burning of any goods, wares, merchandise or chattels, or personal property of any kind, the property of himself or another, which shall at the time be insured by any person, firm or corporation against loss or damage by fire, shall be guilty of arson in the third degree, and must, on conviction thereof, be punished by imprisonment in the penitentiary for not less than one nor more than five years. The following form of indictment (caption, commencement and conclusion to be supplied as provided by Section 4556 of the Code) shall be sufficient under this section: A. B. willfully or with intent to charge, injure or defraud the insurer set fire to (or burned or caused to be burned, or aided or procured the burning, as the case may be) the following personal property: (Here describe it) the property of himself, or of C. D., which property was at the time insured against loss or damage by fire.

Approved September 9, 1927.

No. 481.)

(S. 415. Williams

AN ACT

To amend Sections 9879 and 9880 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 9879 of the Code of Alabama of 1923 be and the same is hereby amended so that it shall read as follows: "9879. Exempted Securities and Sales.—Except as hereinafter provided, the provisions of this article shall not apply to any security which at the time of the sale thereof is within any of the following classes of securities: (a) Any security issued or guaranteed by the United States or by any territory or insular possession thereof or by the District of Columbia or by any state or political, public taxing subdivision or agency thereof; (b) Any security issued or guaranteed by any foreign government with which the United States is then maintaining diplomatic relations or by any state, province or political subdivision thereof having the power of taxation or assessment, which security is, by such foreign government, state, province or political subdivision thereof issuing same, recognized at the time it is offered for sale in this state as a valid obligation of such government, state, province or subdivision thereof. (c) Any security issued by a national bank, or by any federal land bank or joint stock land bank or national farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendments thereof or by the war Finance Corporation, or by any corporation created or acting as an instrumentality of the government of the United States pursuant to authority granted by the Congress of the United States, provided that such corporation is subject to supervision or regulation by the government of the United States; (d) Any security issued or guaranteed either as to principal, interest or dividend, by a corporation owning or operating a railroad or any other public service utility; provided that such corporation is subject to regulation or supervision either as to its rates and charges or as to the issue of its own securities by a public commission; board or officer of the government of the United States or of any state, territory or insular possession thereof, or of the District of Columbia or of the Dominion of Canada or any province thereof; also equipment, trust certificates or equipment notes or bonds based on chattel mortgages, leases or agreements for conditional sale of cars, motive power or other rolling stock or equipment mortgaged, leased or sold to or furnished for the use of or upon a railroad or other public service utility, corporation or equipment notes or bonds where the ownership or title of such equipment is pledged or retained in

accordance with the provisions of the laws of the United States, or of any state, or of the Dominion of Canada, to secure the payment of such equipment, trust certificates or notes; also bonds, notes or other evidence of indebtedness issued by a holding corporation and secured by collateral consisting of any securities other than stock hereinabove in this clause (d) described; (e) Any securities issued by a corporation organized and operated exclusively for educational, benevolent, fraternal, charitable or reformatory purposes, and not for pecuniary profit or gain. (f) Securities issued, outstanding, distributed and fully listed upon any organized stock exchange having an established meeting place in a city of over 500,000 population, according to the last preceding United States census, and providing facilities for the use of its members in the purchase and sale of securities listed by such exchange and securities senior thereto and evidence of indebtedness guaranteed by companies, the common capital stock of which is so listed; and upon such other stock exchanges as the Commission may from time to time by written order designate. If actual transactions on such organized exchange have occurred during each of the preceding twenty years in the purchase and sale of the United States bonds or other bonds of any of the classes exempted herein from the provisions of this article, and if such stock exchanges require financial statements to be submitted at the time of such listing and annually thereafter: (g) Any security issued by and representing an interest in or ~~direct~~ obligation of a bank, trust company or savings institution, ~~where~~ bank, trust company or savings institution is incorporated under the laws of, and subject to the examination, supervision and control of the United States or of any state or territory of the United States, or of any insular possession thereof; (h) Any bonds or notes secured by a first mortgage upon agricultural lands used and valuable principally for agricultural purposes (not including oil, gas or mining property or leases) or upon city or village real estate or leaseholds situated in any state or territory of the United States or in the District of Columbia or in the Dominion of Canada, as follows, i. e.: 1. When the mortgage is a first mortgage upon agricultural lands, used and valuable principally for agricultural purposes and when the aggregate face value of such notes or bonds secured thereby does not exceed seventy percent of the then fair market value of said lands, plus sixty percent of the insured value of any improvements thereon; or (2) When the mortgage is a first mortgage upon city or village real estate or leaseholds and when the aggregate face value of such notes or bonds secured thereby does not exceed seventy percent of the then fair market value of said mortgaged real estate, or leasehold, including any then existing improvements thereon; and when in addition to the foregoing, said mort-

gaged property is actually used principally to produce a net annual income, when said net annual income, after deducting operating expenses, taxes, insurance and all fixed charges other than the interest on said mortgage is at least equal to the annual interest on said mortgage plus not less than 3% of said mortgaged indebtedness; 3. When the mortgage is a first mortgage upon city or village real estate or leaseholds upon which real estate or leaseholds a building or buildings is or are in good faith forthwith about to be erected according to the expressed terms of the mortgage, and when adequate provision has been for financing the full completion of said building or buildings, free from and clear of any lien superior to said mortgage, and when the aggregate face value of the notes or bonds, or both (not including interest notes or coupons), secured by such first mortgage will not upon the completion of said building or buildings, exceed seventy percent (70%) of the fair market value of such mortgaged property including the building or buildings to be erected as aforesaid; and when said mortgaged property is used or to be used principally to produce a net annual income through rental, and when said net annual income after deducting operating expenses and taxes and all other fixed charges prior to said mortgage is at least equal to the annual interest plus not less than three percent of the principal of said mortgage indebtedness. All advertisements, prospecti, circulars and letters, advertising the sale of said notes or bonds shall bear in bold type upon the face thereof a legend stating that said notes or bonds are construction notes or bonds. When used in this subdivision (h), the term "mortgage" shall be deemed to include a deed of trust to secure a debt, or any instrument of like nature. (i) Negotiable promissory notes or commercial paper, if such issue or negotiable notes or commercial paper mature in not more than fifteen months from the date of issue and shall be issued within three months after the date of sale. (j) Securities issued by a corporation, partnership, association, company, syndicate or trust owning property, which company, partnership, etc. has been in continuous operation for not less than five years prior thereto, and which has shown during a period of not less than three years prior to the close of its last fiscal year preceding the offering of such securities average annual net earnings, after deducting all prior charges, including the charges of prior securities not to be retired out of the proceeds of such sales, as follows: (1) In the case of interest-bearing securities, not less than one and one half times the annual interest charges thereon and upon all other outstanding interest bearing obligations of equal and of prior rank; (2) In the case of preferred stock, not less than one and one half times the annual dividend on the total of the proposed issue of such preferred stock and on all other

outstanding stock of equal and of prior rank; (3) In the case of common stock not less than six percent upon all outstanding common stock of equal and of prior rank, together with the total amount of common stock then offered for sale by the issuer, reckoned upon the price at which such common stock is then offered for sale or sold; Provided, the tangible assets of such corporation, partnership, association, company, syndicate or trust (not including any tangible assets), together with the proceeds of the sale of such securities accruing to the issuer shall equal or exceed; (1) In case of evidence of indebtedness, one hundred twenty five percentum of the par value of such evidence of indebtedness, and of all other obligations of equal or prior rank then outstanding and not to be retired out of the proceeds of the sale of such evidence of indebtedness; (2) In the case of preferred stock one hundred twenty five percentum of the par value of the aggregate amount of all outstanding preferred stock of equal and of prior rank and the stock then offered for sale, after the deduction from such assets of all indebtedness which will be existing and of all stock of senior rank which will be outstanding after the application of the proceeds of the preferred stock offered for sale; (3) In the case of common stock, one hundred percentum of the aggregate of all outstanding common stock of equal or prior rank and the stock then offered for sale, reckoned at the price at which such stock is offered for sale or sold, after the deduction from such assets of all indebtedness which will be existing and of all stock of senior rank which will be outstanding after the application of the proceeds of the common stock offered for sale. The ownership by a corporation, partnership, association, company, syndicate or trust of more than fifty percent of the outstanding voting stock of a corporation shall be construed as the proportionate ownership of the property, business or industry of such corporation, and shall permit the inclusion of the proportionate earnings and net assets of such corporation applicable to the payment of dividends upon and/or represented by the stock so owned, in the earnings and assets of the corporation, partnership, association, company, syndicate or trust issuing the securities sought to be sold under this subsection "J". (k) Bonds or notes secured by mortgage upon real estate or tangible personal property where the entire mortgage together with all the bonds or notes secured thereby are sold to a single purchaser at a single sale. No securities included in the classification of securities designated by paragraphs "h" and "j" of this section 9879 shall be sold or offered for sale in this state, whether by an issuer, a registered dealer or a registered salesman until there has been filed with the President of this Commission, his assistant or deputy, in such form as may be prescribed by the

Commission a statement with respect to such securities, giving (1) the name of the issuer; (2) a brief description of the securities, including the amount to be offered; (3) amount of securities to be offered in this state. (4) a brief statement of the facts which show that such security falls within one of the sub-sections "h" of "j" in this section 9879 defined: (5) the price at which such securities are to be offered for sale, and (6) at that time or within a reasonable time thereafter to be allowed by the Commission a copy of the circular to be used for the public offering. The filing of such statement and the payment of the fee hereinafter in this section provided shall, subject to the further provisions of this paragraph, be deemed to establish the exemption claimed therefor under the provisions of this section. At the time of filing such statement and as a prerequisite to filing the same, there shall be paid to the Commission, and the Commission shall collect, a filing fee therefor of fifty cents for each one thousand dollars of the total proposed sale price of the securities so to be sold or offered for sale in this State, provided that the minimum filing fee shall be ten (\$10.00) dollars, and the maximum filing fee shall be fifty (\$50.00) dollars; and provided further that no issuer or registered dealer shall be required to pay hereunder in any one calendar year more than two hundred dollars. In the case of stock having no par value, the price at which such stock is to be offered to the public shall be deemed to be the par value of such stock. Upon compliance with the requirements hereinabove specified, such securities may be sold in this State by any issuer, registered dealer or registered salesman who shall notify the Commission in writing of his intention to so offer such security. Other than as provided in this paragraph, it shall not be necessary to file in the office of the Commission any statement with reference to securities in this Section 9879 designated, except that the Commission may require of any issuer, dealer or agent selling or offering for sale within this state a statement of the claim of exemption of any such security being sold or offered for sale as an exempt security under any of the sub-sections of this Section 9879; provided, however, if at any time in the opinion of the President of the Commission, his assistant or deputy, the information contained in the statement or circular filed is misleading, incorrect, inadequate or incomplete, or the sale or offering for sale of the security may work or tend to work a fraud, the President of the Commission, his assistant or deputy may require from the person filing such statement such further information as may in his judgment be necessary to establish the classification of such security as claimed in such statement. The refusal to furnish information required by this section or required by order of the President of the Commission, his as-

sistant or deputy within a reasonable time to be fixed by said President, his assistant or deputy that such security or securities is or are entitled to such exemption, shall be proper grounds for the entry of an order by the said President, his assistant or deputy suspending the further right to sell such security. Upon the entry of such order of suspension and upon notifying personally by mail, telephone or telegraph, the person filing such statement and every registered dealer who shall have notified the Commission of an intention to sell such security, no further sales of such security shall be made until the further order of said President. Upon the entry of such order of suspension, the said President shall give prompt hearing to all parties interested. Nothing contained in this amendment of Section 9879 of the Code of Alabama of 1923 shall be taken or construed in any wise to alter, amend or repeal any provision contained in Section 9881 of said Code.

Section 2. That Section 9880 of the Code of Alabama of 1923 be and the same is hereby amended so that it shall read as follows: "9880.—Transactions exempted from operation of Article. Except as hereinafter provided, the provisions of this article shall not apply to the sale or the offering for sale of any security in any of the following transactions, viz: (1) At any judicial, executor's administrator's or guardian's sale, or at any sale by a receiver or trustee in insolvency or bankruptcy; (2) By or for the account of any pledge holder or mortgagee selling or offering for sale, in the ordinary course of business, to liquidate a bona fide debt, a security pledged in good faith as security for such debt; (3) In an isolated transaction, in which any security is sold or offered for sale by the owner thereof, or by his representative for the owner's account in the usual and ordinary course of business and not for the direct or indirect promotion of any scheme or enterprise within the purview of this article, and when such sale or offer for sale is not made in the course of repeated and successive transactions of a like character by such owner or on his account by the representative of such owner and neither such owner nor his representative is the maker or issuer or underwriter of such security; (4) The sale of or offer to sell such security to any bank, savings institution, trust company, insurance company or to any corporation, if in case of such a sale such bank, savings institution, trust company, insurance company or corporation in good faith purchases for reasonable value for its own account in the ordinary and usual course of business; (5) the distribution by a corporation of capital stock, bonds or other securities to its stockholders or other security holders as a stock dividend or other distribution out of earnings or surplus; or the issue of securities by a corporation to the security holders or creditors of such corporation, or in the case of a merger or con-

solidation, to the security holders or creditors of such merging corporations, made in good faith either in exchange for the securities of such security holders or in exchange for the claim of such creditors, either or both; (6) Capital stock of a corporation in the process of organization under the laws of this state, or subscriptions for or contracts to deliver such capital stock, executed prior to the incorporation thereof, when no expense is incurred, directly or indirectly and no commissions, compensation or remuneration is paid or given for or in connection with the sale or disposition of such stock, and where no part of the stock of such corporation or any proceeds thereof have been or are to be issued and paid for in any way except in money, or money and solvent notes, or in property at the reasonable value of such property.

Approved September 9, 1927.

No. 482)

AN ACT

(S. 35. Jones

To amend an act entitled "An Act To make a Donation of the State Capitol at Tuscaloosa," approved on January 28, 1852, and found on page fifty-five (55) of the Acts of Alabama, 1851-2.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act entitled "An Act To Make a Donation of the State Capitol at Tuscaloosa," approved on January 28, 1852, and found on page fifty-five (55) of the Acts of Alabama, 1851-2, be amended to read as follows: Section 1. The State Capitol at Tuscaloosa, and the lots upon which it is situated, more particularly described as lots numbered 143, 144, 155 and 146 according to the official plat of the survey of said land returned to the General Land Office by the Surveyor General, and located in the City of Tuscaloosa, Tuscaloosa County, in the State of Alabama, which lots make one contiguous tract of two acres, which tract is bound on the North by 5th or Broad Street, on the South by 6th Street, on the East by 28th Avenue and on the West by 29th Avenue, be, and the same are hereby vested in and granted absolutely and unconditionally to the Trustees of the University of Alabama; and the Governor of Alabama is authorized, and is hereby directly to make a conveyance in fee simple absolute, free from any and all conditions and/or reservations to the Trustees of the University of Alabama, said conveyance to be made as provided by Section 6851 Code of Alabama, 1923. Said property to be held, used, sold or disposed of by said Trustees as they may deem proper, the proceeds to be used for the purposes of the University. This Act shall take effect immediately upon its passage and approval.

Approved September 6, 1927.

No. 483.)

(S. 397. Williams)

AN ACT

To appropriate the sum of \$700.00 for the relief of Frank Rogers, a former convict who lost an eye while in the service of the State of Alabama as such convict.

Be it Enacted by the Legislature of Alabama as follows:

Section 1. That there is hereby appropriated out of the general funds of the State, not otherwise expended, the sum of \$700.00 for the relief of Frank Rogers, who as a State convict lost one of his eyes, which injury and loss was suffered by him and without his fault while so serving as such convict.

Section 2. This Act shall take effect immediately on being passed and approved by the Governor of Alabama.

Approved September 12, 1927.

No. 485.)

(S. 513. Walton)

AN ACT

To amend Section 3005 Code of Alabama 1923.

Be it Enacted by the Legislature of Alabama:

That Section 3005, Code of Alabama 1923, be amended so as to read as follows: Section 3005. Persons received into the school. Any justice of the Supreme Court, Judge of the Court of Appeals, Judge of Probate, Circuit Judge, or Judge of any Criminal Court, or other inferior statutory court of this state, or any Municipal Court, or judge thereof, or city recorder in any town or city of this state, may cause to be brought before him, upon his own motion or the sworn complaint of another, any white female between the ages of nine and eighteen years of age who may fall within any of the following descriptions: 1st. Any female who has been abandoned by their parents or who has abandoned their parents and home and have no visible means of support and who are leading an immoral or profligate life, 2nd. Any who are orphans and have no sufficient or appropriate guardianship who cares for their mental, physical and moral welfare, who are leading an immoral or profligate life, 3rd. Any who shall have been arrested and convicted by the Police Courts or other inferior criminal courts or magistrates for petty offenses indicative of an immoral or profligate life, 4th. Any such girl under eighteen years old who is a prostitute or frequents disorderly houses or house of prostitution who is not mentally or physically incapable of being substantially benefited by the

discipline of said training school. No girl mentally or physically incapable of pursuing the course of study and training offered by this school can be received into this school. Girls brought to the institution must be committed in accordance with the provisions hereof and officers or guardians accompanying the girl to the school must submit to the superintendent of the school commitment papers giving the age of the girl and setting out the cause of the commitment issued by the duly authorized judicial officer committing the girl and must also file with the superintendent a certificate from a competent physician, designated by the court magistrate stating that in his opinion the girl is of sound mind and that she is mentally and physically capable of being substantially benefited by the course of instruction and training offered by said school; the certificate shall also state whether or not the girls suffer from a contagious or infectious disease and the nature and character of the disease. All girls shall be delivered to the superintendent of the institution by some person or persons designated by the authority committing them and said girls must be accompanied by a female attendant unless she is accompanied by her father, brother, uncle, or another man relative of close kinship who has been duly approved by the committing officer.

Approved September 9, 1927.

No. 486.)

AN ACT

(S. 128. Holmes

To amend Section 1185 of the Code of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1185 of the Code of 1923 be and the same is hereby amended so as to read as follows: 1185. COMPENSATION AND EXPENSES OF BOARD. Members of said board shall receive five dollars per day for each day that the board is actually in session and functioning as a board, together with necessary expenses incurred in the discharge of their duties. The Secretary-Treasurer shall receive a salary, the amount to be fixed by the board, commensurate with the duties performed, said salary and said fees to be paid out of the monies received by the board under the provisions of Section 1187 of the Code of 1923, and no part of the expenses incurred by this board shall be paid out of the State treasury. Any remaining funds, after all claims of the classes above named have been paid, may be used to pay any claims heretofore or hereafter incurred by said board for the purpose of elevating the standards of schools of

nursing and of promoting the educational and professional standards of nurses and nursing in this State. All money thus expended by this board shall be paid out of excess funds arising from examination fees, and no funds or monies used for such purpose shall be paid out of the State treasury.

Approved September 2, 1927.

No. 487.)

(S. 65. Warren

AN ACT

To provide for the special relief of Canerdy Jackson by making an appropriation to compensate him for injuries received while he was employed by the Alabama Insane Hospital.

Be it Enacted by the Legislature of Alabama:

Section 1. That the sum of Five Thousand Dollars be and the same is hereby appropriated for the relief of Canerdy Jackson who was injured by being burned while in the employ of the Alabama Insane Hospital.

Section 2. That the State Auditor be and he is hereby authorized to draw his warrant in favor of the said Canerdy Jackson in said sum of Five Thousand Dollars.

Approved September 7, 1927.

No. 488.)

(S. 506. Ellis of Shelby

AN ACT

To advance the cause of education by exempting from taxation in this State all property, real and personal, by whomsoever owned, and whether assessed or not, during the entire time, including the current tax-year, the net income, rents and returns from which are used, or are to be used, exclusively for educational purposes in the State of Alabama other than for schools owned or controlled by any religious sect or denomination.

Be it Enacted by the Legislature of Alabama:

That there is exempted from taxation in this State all property, real and personal, by whomsoever owned, and whether assessed or not, during the entire time, including the current tax-year, the net income, rents and returns from which are used, or are to be used, exclusively for educational purposes in the State of Alabama, other than for schools owned or controlled by any religious sect or denomination.

Approved September 9, 1972.

No. 489.)

(S. 421. Fite

AN ACT

To fix the compensation or salary of Sheriffs of the State of Alabama in counties having more than two hundred thousand population, according to the last or any succeeding federal census, and to provide for the method, basis and payment of such compensation.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties of this State having more than two hundred thousand population according to the last or any succeeding federal census, the Sheriff of any such County whose compensation is fixed on a salary basis shall receive as a salary the sum of Ten Thousand (\$10,000.00) Dollars per annum payable in equal monthly installments out of the county treasury, in the same way and manner as the salary of other county officers are now paid.

Section II. This bill shall take effect upon its approval by the Governor and all laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved September 6, 1927.

No. 492.)

(S. 321. James

AN ACT

To authorize the Governor to re-convey to the National Guard Units of Jefferson County for Armory purposes lots 7 and 8, Block 21, South Smithfield, which said lots were conveyed by battery D Armory company to the State of Alabama under deed of date September 29, 1925.

Be it Enacted by the Legislature of Alabama: That the Governor of Alabama is hereby authorized and empowered to sell and convey by proper deed, attested by the Secretary of the State of Alabama, to the highest and best purchaser, either at public or private sale, lots No. 7 and No. 8, in Block No. 21, South Smithfield according to the map and plans of Joseph R. Smith, addition to the City of Birmingham, Alabama, known as Smithfield a map of which is recorded in the office of the Judge of Probate of Jefferson County, Alabama, said lots being situated in Jefferson County, State of Alabama. That upon sale of said lots the proceeds derived from said sale shall be delivered to the proper representatives of the National Guard Units of Jefferson County for the sole purpose of the purchase or erection of an armory building for said National Guard Units of Jefferson County, Alabama, and the said proceeds of said sale shall not be delivered to said National Guard Units until a bona fide contract for the erection of an Armory Building has been entered into.

Approved September 9, 1927.

No. 493)

(S. 442. Fite

AN ACT

To authorize the City School Board or City Board of Education, or by whatever name called, in all cities of this State having a population of more than one hundred thousand according to the last or any succeeding Federal census, to make rules and regulations for the retirement of teachers on part pay, to fix the maximum amount of such pension, and to prescribe the minimum length of service as a teacher in order to be eligible for such pension, and to provide for the payment of such pension out of the public school funds.

Be it Enacted by the Legislature of Alabama:

Section 1. That the City School Board or City Board of Education, or by whatever name called, in all cities of this State having a population of more than one hundred thousand according to the last or any succeeding Federal census, is hereby authorized and empowered to make reasonable rules and regulations for the retirement of teachers on part pay; provided however, that a teacher, in order to be eligible to receive such pension, must have served as a teacher not less than thirty years, fifteen years of which service must have been in such city; and provided that such teacher is teaching in the schools of such city at the time such pension is applied for.

Section 2. Such pension or retirement allowance shall be paid out of the regular school funds monthly as salaries of other teachers are paid. Whenever a teacher has complied with the requirements of Section 1 hereof, such teacher may lay his or her case before said City School Board or City Board of Education of other school governing body in such city, and the said Board shall consider the case of said teacher; and if the said Board should find such applicant to be entitled thereto, such teacher shall be entitled to receive a pension in such sum as such Board may deem proper, but in no event shall such pension exceed one-half of the annual salary of such teacher at the time of retirement.

Approved September 10, 1927.

No. 494.)

(S. 320. James

AN ACT

To regulate and provide for the Military and Naval forces of the State of Alabama, and to promote its efficiency; to prescribe rules, regulations, and means for its organization, armament, equipment, discipline, control and supervision; to provide for its maintenance, support and upkeep; to provide means for the enforcement of this Act; and to fix penalties and punishments for the violation of this Act.

Be it Enacted by the Legislature of Alabama:

Section 1. NATIONAL DEFENSE ACT. All provisions of the National Defense Act, insofar as they relate to the National Guard of Alabama, and are not inconsistent with the Constitution of this State, are hereby declared to be a part of the military laws of the State of Alabama, and the Governor of Alabama, as Commander-in-chief, is hereby authorized and empowered to do and perform all acts and to make and publish such rules and regulations to raise and keep the National Guard of Alabama up in every respect to the standard required by the laws of the United States, now existing or which may hereafter be enacted, for the National Guard. That officers and men of the National Guard of Alabama, after being drafted into the Federal service and discharged therefrom, shall revert to their original status and shall resume their membership in the National Guard and continue to serve in the National Guard until the date upon which their commissions or enlistments entered into prior to the draft would have expired, if uninterrupted. (Sept. 19, 1919, p. 467, No. 13; as amended Sept. 6, 1923, p. 231, No. 4.) Construed Report of attorney general, 1918-20, p. 354. Sec. 2. (1554).

Sec. 2. DEFINITIONS.—For the purpose of this Act the words "National Defense Act" shall be taken to mean an Act of the Congress entitled "An Act for making further and more effectual provision for the National defense, and for other purposes," approved by the President of the United States, June 3, 1916, and any and all acts that have been enacted or may hereafter be enacted by the Congress of the United States amendatory thereof and supplementary thereto. The word "company" shall apply to and include the headquarters, supply, machine gun, infantry, cavalry, artillery, engineer, signal, aviation, transport, field hospital, ambulance, field bakery, and all other military units of any arm of the service corresponding in general organization to a company of infantry. The words "regiment" and "battalion" shall apply to any organization of any arm of the military service equal in organization and corresponding to a regiment or battalion of infantry, as the case may be, or so denominated by law.

Sec. 3. COMPOSITION OF THE MILITIA. The Militia shall consist of all able-bodied male citizens of this State and all other able bodied males who have or shall have declared their intention to become citizens, who shall be more than eighteen years of age and residents of this State, and, except as hereinafter provided, not more than forty-five years of age; and said militia shall be divided into four classes, the National Guard (active, reserve and retired), the Naval Militia, Marine Corps and the unorganized Militia.

Sec. 4. EXEMPTIONS FROM MILITIA DUTY. The Vice President of the United States; the officers, judicial and executive, of the Government of the United States and the State of Alabama; persons in the military or naval service of the United States; custom house clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals and navy yards of the United States; pilots and marines actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from Militia duty without regard to age; and all persons who, because of religious belief, shall claim exemption from military service, if the conscientious holding of such belief shall be established under such regulations as the President of the United States or the Governor of Alabama shall prescribe, shall be exempted from Militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President of the United States or the Governor of Alabama shall declare to be non-combatant.

Sec. 5. COMPOSITION OF THE NATIONAL GUARD. The volunteer land forces of this State shall be known as the National Guard of Alabama and shall consist of regularly enlisted militia between the ages of eighteen and forty-five years, organized, armed and equipped as hereinafter provided, and of commissioned officers between the ages of twenty-one and sixty-four years. Provided; That, persons between the ages of sixteen and eighteen years may be enlisted in the National Guard of Alabama with the written consent of parents or guardians as may be now or hereafter provided by Federal Military Laws.

Sec. 6. COMMANDER-IN-CHIEF.—The Governor of Alabama or other person lawfully administering the government of the State, shall be the Commander-in-chief of all the military and naval forces of the State, except when they shall be called into the service of the United States, but he shall not command personally in the field unless advised to do so by a resolution of the Legislature.

Sec. 7. POWERS OF THE GOVERNOR. The Governor of Alabama, as Commander-in-chief, is authorized and empowered to do and perform any and all acts, and to make and publish all such rules and regulations as he may deem necessary to effect a re-organization of the National Guard of Alabama in conformity to the terms of an act of Congress of June 3, 1916, known as the National Defense Act, including amendments thereto and legislation supplemental thereof, and in conformity to all rules, regulations and proclamations promulgated by the President of the United States or the secretary of war relating to the National Guard of this or the several states. He may alter, increase, divide, annex, consolidate, disband, organize or reorganize any

organization, department, corps, or staff, so as to conform as far as practicable to any organization, system, drill, instruction, corps, or staff, uniform or equipment, or period of enlistment, now or hereafter prescribed by the laws of the United States, and the rules and regulations promulgated thereunder by the Secretary of War, for the organization, armament, training and discipline of the Militia or National Guard or by the Secretary of the Navy for the organization, armament, training and discipline of the Naval Militia or Marine Corps. For that purpose, the numbers of officers and enlisted men of any rank or grade, in any organization, department, corps or staff, may be increased or diminished, and the grade of such officers and enlisted men may be altered, to the extent necessary to secure as far as practicable such conformity. Officers rendered surplus by either the disbandment, consolidation or reorganization of their respective organizations, shall be placed in the National Guard Reserve, or such officers may be held as supernumerary officers during the unexpired portion of their respective commissions, at the sole discretion of the Governor as Commander-in-chief; and the period of time for which such officers are held as supernumerary may be included in computing the necessary length of service to entitle an officer to be placed upon the retired list. (2) *Power to expand forces in emergency; and to call militia into active service.* The Governor, as Commander-in-chief, shall have the power, in case of war, invasion or insurrection, riot, or imminent danger thereof or the calling of all or any portion of the Militia of Alabama into the service of the United States, to increase the land and naval forces of this State, and organize the same in accordance with the existing rules and regulations governing the armies of the United States, or in accordance with such other system as the Governor may consider the exigency to require; and such organization and increase may be either pursuant to or in advance of any call made by the President. The Governor shall have the power, in case of war, insurrection, invasion, tumult, or breach of the peace, or imminent danger thereof, to order into the active service of the State all or any part of the militia that he may deem proper. When the militia of this State or a part thereof is called forth under the Constitution and laws of the United States, the Governor shall order out for service the National Guard and Naval Militia, Marine Corps, or such part thereof as he may deem necessary, and if the number be deemed insufficient, he shall order out the remainder of the militia or such part thereof as he may deem necessary. (3) *Organizations in service retain state designations.* During the absence of organizations in the service of the United States their state designations shall not be given to new organizations. (4) *Parades, etc.; expenses of.* The Governor may authorize all or

any part of the National Guard to participate in any parade, review or other public exercise, or to serve for escort duty, and such expenses incidental thereto as he may authorize may be paid as hereinafter provided for active service. (5) *Depository for military property.* The Governor shall, whenever necessary, designate a depository or depositories for the undistributed military property in the custody of the State, which depository or depositories shall be maintained at the expense of the State. (6) *Governor may obtain appropriations, etc., from the United States.* The Governor of Alabama may take all necessary steps to obtain all appropriations, property and equipment now or hereafter provided by the United States or authorized by law for the use, aid, equipment, benefit or instruction of the National Guard.

Sec. 8. NAVAL MILITIA AND MARINE CORPS: The Governor is authorized, in his discretion, to organize a naval militia and a marine corps, in accordance with the laws now existing or which may hereafter be enacted by the Congress of the United States governing the naval militia or marine corps of the United States, and regulations issued by the Secretary of the Navy for the government of the United States Navy and Naval Militia. (A) **THE NAVAL MILITIA OF THE STATE:** (1) The relative rank between officers of the National Guard and the Naval Militia shall be as follows: *National Guard:* Major General, Brigadier General, Colonel, Lieutenant Colonel, Major, Captain, First Lieutenant, second Lieutenant. *Naval Militia.* Rear Admiral, Commodore, Captain, Commander, Lieutenant Commander, Lieutenant, Lieutenant, Junior Grade, Ensign. (2) **COMPOSITION AND STRENGTH:** The organizations forming the Naval Militia of Alabama which may be organized shall consist of such persons as may be enlisted, appointed or commissioned therein. (3) **OFFICERS OF THE NAVAL MILITIA OF ALABAMA:** The Officer Personnel of the Naval Militia of Alabama shall be selected from any one of the following classes, viz: (a) Officers of the United States Naval Reserve; or (b) Graduates of the United States Naval Academy, Honorably discharged from the United States Navy; or (c) Enlisted Personnel who have served not less than four (4) years with the Naval Militia of Alabama. (4) **COMMISSIONED OFFICERS: EQUIPMENT OF:** Every Commissioned Officer shall provide himself with the arms, uniforms, and equipments prescribed and approved by the Commander-in-chief. (5) **ENLISTMENT: QUALIFICATIONS FOR:** The Qualifications for enlistment in the Naval Militia of Alabama shall be the same as those governing enlistments in the United States Navy and in instructions issued from time to time by the Adjutant General of Alabama. Enlistments shall be for a period of four (4) years. (6) **PHYSICAL REQUIREMENTS FOR ENLISTMENT:** (a) The phy-

sical requirements for the enlistment and reenlistment of enlisted men of all classes of the Naval Militia shall be the same as those prescribed in the Bureau of Medicine and Surgery Manual of the United States Navy for enlistment and re-enlistment of men in the Navy. (b) Physical examinations of enlisted and commissioned personnel of the Naval Militia of Alabama may be conducted by medical officers of the Navy, the Naval Reserve, Alabama Naval Militia, or as prescribed by the United States Navy. (c) Waivers may be recommended in the same manner as for the United States Navy. (7) **ELIGIBILITY FOR RE-ENLISTMENT**: Enlisted men of the Naval Militia of Alabama who have been recommended for reenlistment will be eligible therefor, in the rating held when discharged, only if re-enlisted within three months from date of discharge. Enlisted men who re-enlist after a lapse of more than three months from date of discharge may only be re-enlisted if less than 28 years of age in ratings open for first enlistment. (8) **ENLISTMENT, TRANSFER AND DISCHARGE**: The qualifications for enlistment and re-enlistment in the Naval Militia; the term and form of oath to be taken; and the manner and form of transfer and discharge of enlisted men; shall be prescribed in regulations issued by the Adjutant General in conformity with laws governing the United States Navy and the Alabama National Guard. (9) **PAY: STATE SERVICE**: Officers and enlisted men of the Naval Militia of Alabama, when employed in the active service of the State, as defined and provided in this Act, beginning on the day they assemble at their armories, or other designated places, until the day they have returned thereto and been properly relieved, inclusive, fractional parts of a day counting as a full day (a day beginning at midnight and ending the following midnight), shall receive the same pay as officers and enlisted men of the Navy of the United States of equal grade, rating and length of service and such allowances as may be authorized in regulations issued in accordance with the provisions of this section. (10) **EXPENSES OF OFFICERS AND ENLISTED MEN—NAVAL MILITIA**—While traveling under orders to be paid—Officers and enlisted men of the Alabama Naval Militia, traveling in obedience to the orders of the Commander-in-chief, may be paid all actual necessary expenses incurred in the performance of such duty; under such rules and regulations for the presentation, verification, and payment of such expenses as the Commander-in-chief, shall prescribe; and, upon his direction in writing, the State Auditor shall draw a warrant in favor of such person for the amount of such expenses. In each case where per diem is allowed, it shall be so stipulated in orders. (11) **JOINT SERVICE ON LAND**: When the National Guard and Naval Militia are on duty together at the same time, the Commanding Officer

of the National Guard shall have command of the whole force. (12) CUSTOM AND USAGE OF THE NAVY TO GOVERN NAVAL MILITIA. All matters relating to the organization, discipline and government of the Naval Militia, not otherwise provided for herein or in the general regulations, shall be decided by the custom and usage of the Navy, so far as is consistent with the laws of this State.

Sec. 9. DISBANDMENT OF ORGANIZATIONS. Any organization of the National Guard of Alabama may be disbanded at the discretion of the Commander-in-chief, subject to the restrictions of the National Defense Act.

Sec. 10. ORGANIZATIONS NOT TO LEAVE COUNTY WITHOUT PERMISSION. No company of the National Guard shall go out of the County in which it is stationed except by permission of the Governor, nor shall any organization go out of the State without first securing such permission.

Sec. 11. STAFF OF THE GOVERNOR. The Staff of the Governor shall consist of the following officers to be appointed by him and commissioned by him with brevet rank or with rank as provided hereinafter in this Section, holding office at his pleasure except as may otherwise be provided: One Adjutant General of the State with the rank of Brigadier General, or rank as may be provided by the National Defense Act for officers of the State Staff Corps and Departments, who shall be Chief of Staff, and who shall be appointed by the Governor with the advice and consent of the Senate, and who prior to his appointment shall have served five years in the National Guard of Alabama, or shall have served in the Army of the United States in the War with Spain or the war with the Central European Powers; and not more than eighteen officers with rank of Lieutenant Colonel as aides-de-camp. Provided: That nothing in this act shall prevent a member of the Governor's Staff from accepting an active or reserve commission under the provisions of the National Defense Act or other Federal Military Laws now or hereafter enacted.

Sec. 12. QUALIFICATIONS OF STAFF OFFICERS: Hereafter no appointments shall be made of any staff officers (including pay, inspection, subsistence and medical departments) unless such appointees shall have had previous military experience.

Sec. 13. DUTIES OF STAFF OFFICERS: The several staff officers shall perform the same duties as nearly as the circumstances of the case will permit as are performed by like staff officers of the United States Army, and any and all such duties as may be required of them by the Commander-in-chief. Each commanding officer, unless excused by the Governor, must make or cause to be made an inspection of each unit of his command

at least once a year and make reports through military channels of their conditions and needs to the Governor.

Sec. 14. **APPOINTMENT OF STAFF OFFICERS**—State Staff Corps. Subject to the approval of the Commander-in-chief, the Adjutant General shall have, and is hereby given the power and authority to appoint such commissioned and enlisted personnel of the State Staff Corps as are allocated to the Alabama National Guard in National Guard Regulations. All of such State Staff Corps shall be the personal staff of the Adjutant General of Alabama. Each commanding officer shall, with the approval of the Governor appoint his staff officers. All commissioned Staff officers shall be commissioned as in the case of other commissioned officers, upon certificate of appointment from the commanding officer making said appointment, and shall hold office for the term of the officer making the appointment, or at the pleasure of such officer. Provided, however, that any officer of the Alabama National Guard who has been retired according to law shall be eligible to appointment as a staff officer of a grade not higher than the grade in which such officer was retired. Provided further, that any former or volunteer officer of the United States Army shall be eligible to staff appointments. The non-commissioned officers of each company, troop or battery, shall be appointed by the commanding officer thereof, and shall hold office at the pleasure of such commanding officer.

Sec. 15. **ADJUTANT GENERAL: POWERS AND DUTIES; SALARY.** The Adjutant General of the State shall be the Chief of Staff and ex-officio chief of all staff departments. He shall supervise the receipt, preservation, repair, distribution, issue and collection of all arms and military stores of the State. He shall supervise all troops, arms and branches of the militia; such supervisory powers covering primarily all duties pertaining to the organization, armament, discipline, training, recruiting, inspecting, instructing, pay, subsistence and supplies; keep a roster of all the officers and men of the National Guard of Alabama, and keep on file in his office copies of all orders, reports, communications received and issued by him. He shall from time to time cause the laws and orders relating to the Militia of Alabama to be indexed, printed and bound at the expense of the State. He shall distribute to each officer all laws and orders relating to the Militia of Alabama, and cause to be prepared and published blank books, forms and stationery, when necessary, and furnish them to such officers at the expense of the State. Such expenses to be paid in the same manner as other State printing is paid. He shall from time to time prepare and publish, by order of the Governor, such orders, rules and regulations, consistent with law, as are necessary to bring the organization, armament, equipment, training, and discipline of the

Militia of Alabama to a state of efficiency as nearly as possible to that of the United States Army, and such rules and regulations as may be required to have the organization, armament, equipment, training and discipline of the National Guard of Alabama conform to that prescribed by the laws of the United States, now existing or which may hereafter be enacted with reference to the National Guard, or the orders and regulations of the War Department in so far as they may apply to the National Guard of Alabama, and shall attest all orders of the Commander-in-chief relating to the Militia. He shall prepare such reports and returns as the Secretary of War or Secretary of the Navy may prescribe and require. And the State Auditor shall draw warrant on the State Treasurer for all expenses incurred under this section on bills regularly presented to and approved by the Governor. He shall perform such other duties as may be required of him by the Commander-in-chief. He shall receive a salary of \$4,000.00 per annum.

Sec. 16. ASSISTANT ADJUTANT GENERAL: DUTIES; SALARY. He shall have as his assistant one officer who shall perform the duties of the State Property and Disbursing Officer and shall be The Assistant Adjutant General, and who shall, in the absence of the Adjutant General, be the Acting Adjutant General, and perform the duties required of the Adjutant General. The Assistant Adjutant General and State Property and Disbursing Officer, shall see that all arms and military stores in the custody of the State are received, collected, preserved, repaired, issued and distributed to the Militia of Alabama at the expense of the State; and such other duties as the Adjutant General may require. And the Auditor shall draw warrant on the Treasurer for all expenses incurred under this section on all bills regularly presented to and approved by the Governor, such bills to be paid from the Military appropriations. The assistant Adjutant General and State Property and Disbursing Officer shall receive a salary of \$3,000 per annum.

Sec. 17. OTHER ASSISTANTS TO THE ADJUTANT GENERAL.—The Adjutant General may have to aid him in the discharge of his duties, in addition to the Assistant Adjutant General and State Property and Disbursing Officer, the following: A. Adjutant General's Department. 1. Assistant to the Adjutant General—Salary, \$2,400.00. 1 clerk and Stenographer Salary \$1,800.00. B. Office of the U. S. P. & D. Officer. 1 United States Property and Disbursing Officer—Salary \$2,800.00. 1 Assistant to the U. S. P. & D. Officer—Salary \$2,400.00. 1 Assistant to the U. S. P. & D. Officer—Salary \$2,000.00. 1 Storekeeper—Military Arsenal and Warehouse—Salary \$1,500.00. 1 Stenographer—Salary \$1,200.00. C. Office of the State Property and Disbursing Officer—1 Stenographer—Sal-

ary \$1,200.00. All employees named in this section, with the exception of those classed as stenographers, shall be officers or enlisted men of the National Guard of Alabama. All employees shall be appointed by the Adjutant General with the approval of the Governor, and shall perform such duties as the Adjutant General may require. All salaries herein provided, together with the salaries provided in Sections 14 and 15 of this Act, shall be paid monthly in the same manner as the salaries of the other State officers are paid.

Sec. 18. **BONDS OF ADJUTANT GENERAL AND HIS ASSISTANTS.** The Adjutant General and the Assistant Adjutant General and State Property and Disbursing Officer shall give bond as now prescribed by law, and the United States Property and Disbursing Officer, and the Assistant to the United States Property and Disbursing Officer and Military Storekeeper, shall give bond in a Surety Company in such amounts as the Adjutant General may require, the bonds to be approved by the Governor and the premiums thereon to be paid by the State, the condition of the bonds to be as hereinafter provided.

Sec. 19. **QUADRENNIAL REPORT TO GOVERNOR.** The Adjutant General shall, ten days before each session of the Legislature, report to the Governor the number and condition of the National Guard of Alabama, Naval Militia and Marine Corps, and the number and condition of the arms and accoutrements in the custody of the State, and shall transmit to the Governor at said times a detailed report of all funds and monies received and disbursed by his department. He shall also make such recommendations as to needed legislation as he may deem proper.

Sec. 20. **OFFICE ROOM, EXPENSES AND FURNITURE FOR ADJUTANT GENERAL.** The Governor shall assign to the Adjutant General suitable rooms in the capitol for conducting therein the business of the Adjutant General's Department of the State, and this Department shall be furnished furniture, stationery, postage, lights, telegraph and telephone service, and other proper and necessary expenses, conveniences and clerical assistance, in the same manner and way as is furnished to the other State Departments.

Sec. 21. **BOOKS, ACCOUNTS AND VOUCHERS TO BE AUDITED.**—The books, accounts and vouchers of the Adjutant General and all other officers of the National Guard of Alabama handling state or government property shall be audited upon the direction of the Governor, in the same manner as the accounts of the other State officers are audited.

Sec. 22. **Salaried EMPLOYEES NOT ENTITLED TO ADDITIONAL PAY.** Officers and enlisted men of the Militia employed by the State, who receive monthly salaries from the State

for military duties, shall not be entitled to any other pay from the State for military service of any character, provided that the provisions of this section shall not prohibit any officer or enlisted man from receiving pay from the United States for participation in manouvers, camps, field service or other service or duty.

Sec. 23. LEAVES OF ABSENCE FOR STATE EMPLOYEES. All officers and employees of the State of Alabama, who shall be members of the National Guard of Alabama, shall be entitled to leave of absence from their respective duties, without loss of pay, time or efficiency rating, on all days during which they shall be engaged in field or coast defense or other training ordered under the provisions of this Act, provided that leaves of absence granted under the provisions of this section shall not exceed fifteen (15) days at any one time.

Sec. 24. GENERAL OFFICERS APPOINTED BY GOVERNOR, EXPENSES. All General officers of the National Guard of Alabama shall be appointed by the Governor, with the advice and consent of the Senate. The necessary expense for books, blanks, stationery and clerical assistance, and the traveling expenses of general officers and members of their staffs, when authorized and approved by the Governor, shall be paid upon warrants of the State Auditor, and upon itemized accounts certified to by said general officers and members of their staffs. Such expenses shall be paid from the military appropriation.

Sec. 25. ELECTION OF FIELD OFFICERS. Upon the expiration of the term of office of any field officer or any vacancy occurring by reason of death, resignation, removal, or other cause, the Governor shall direct the commanding officer of a regiment, or of a squadron or battalion, if not a part of a regiment, to elect such field officers, under such rules and regulations as provided by this Act, of which action at least fifteen days notice must be given to the commanding officers of the companies, troops or batteries of the regiment, squadron, or battalion in which said election is to be held; and in the event there is a tie vote for any officer, the Adjutant General shall cast the deciding vote for such officer. Orders for such elections shall be issued within thirty days from expiration of such terms and such elections shall be held within sixty days from such expiration of term.

Sec. 26. ELECTION OF LINE OFFICER. Upon the expiration of the term of office of any line officer, or whenever there is a vacancy by reason of death, resignation, promotion or removal or other cause, the organization commander concerned, upon order of the Governor, shall order the enlisted men of the company, troop or battery to elect such officers in the manner required by this Act, and must give at least ten days notice of

such election by orders published at the armory of said company, troop or battery, where said election is to take place. To prevent fraud or confusion a time must be fixed when ballots will be received and the polls closed and no ballots shall be received or counted after that hour. All such elections must be held and returns thereof made, within thirty days after the date of the governor's order for their holding, which shall be issued within thirty days after such vacancy occurs.

Sec. 27. **CERTIFICATE OF ELECTION.** A certificate must be forwarded through military channels to the Commander-in-chief, stating that such elections as required by this Act were held in accordance with the order received, which certificate must be accompanied by such oaths of office as may be prescribed by the Adjutant General.

Sec. 28. **WHEN OFFICERS, ETC. ENTITLED TO VOTE.** No officer, non-commissioned officer, or enlisted man shall be entitled to vote at any election for commissioned officers of the Alabama National Guard who has been absent for four consecutive monthly musters of the company, troop, or battery, of which he may be a member. Provided, that nothing in this section shall apply to field officers.

Sec. 29. **RESIGNATION, OFFICER LOSES GRADE.** Whenever the resignation of any officer is forwarded, and is approved by the Commander-in-chief, such officer loses his grade if elected his own successor; provided, however, if such officer is elected to another organization, he may accept such second election and be commissioned accordingly, taking grade from the date of his original commission, but the acceptance of the second election shall vacate the office to which he was first elected.

Sec. 30. **OFFICERS, HOW COMMISSIONED.** All officers shall be commissioned by the Commander-in-chief, and no person shall be commissioned in the Alabama National Guard who is not a citizen of this State, or who is under the age of twenty-one years. The Governor may, in his discretion, before a commission is issued, order any applicant for commission for examination before a military board which shall be appointed by the Governor, to consist of not less than three members, one of whom shall be a surgeon, who shall have power to compel the attendance of witnesses, administer oaths, and take testimony, as is possessed by general courts-martial, touching upon the applicants mental, moral and physical fitness and capacity, general qualifications and knowledge of military laws and affairs, proportionate to the requirements of the office for which he has been selected; and if such examining board shall report adversely to such applicant, he shall not be commissioned as an officer. All persons who are graduates of educational institutions in this State, where military instruction is required and

given and who are recommended to the Governor by the president of said institution as showing special aptitude for military service, shall be eligible for commission without mental examination as a second lieutenant in the Alabama National Guard.

Sec. 31. EXAMINING BOARD. —The Commander-in-chief may convene examining boards to determine the fitness of officers for promotion; and also, whenever it appears to him advisable, or upon the request of any superior commanding officer, may order any officer before a board of examination as to his fitness for military service, and, upon report of the board, if adverse to the officer, may declare his commission vacated, and, if any officer so ordered before a board, shall neglect or refuse to appear, the Commander-in-Chief may, upon report to him of such refusal or neglect, vacate the commission of the officer. The report of such examining board must be forwarded through the proper military channels to the Commander-in-Chief, but nothing in this section shall apply to the staff of the Commander-in-Chief.

Sec. 32. TRANSFER OF NON-COMMISSIONED OFFICER AND ENLISTED MAN.—Any non-commissioned officer or enlisted man may be transferred at his own request, upon approval of his company, troop or battery commander, to any other company, troop or battery, upon the approval of the Adjutant General.

Sec. 33. REDUCTION TO RANKS OF NON-COMMISSIONED OFFICERS. The commanding officer of any company, troop, or battery may reduce a non-commissioned officer to the ranks for cause satisfactory to himself and approved by the regimental, squadron or battalion commander, not a part of a regiment. The report of such reduction and the reason therefor, must be forwarded through military channels to the Adjutant General.

Sec. 34. DISCHARGE OF OFFICER, OR ENLISTED MAN.—Any officer, non-commissioned officer or enlisted man, who, cannot, after due diligence be found, or who shall remove his residence from the State, or to such distance from the armory of his organization as to render it impracticable for him to perform military duty, or who shall be convicted of a felony, may be discharged by the Commander-in-Chief upon the request of the commanding officer of the regiment, squadron or battalion, not a part of a regiment, with the approval of the Governor. Discharges otherwise must and can only be made by the Governor, upon the application of the member desiring to be discharged, approved by the company, troop or battery commander, forwarded through military channels for final approval by the Governor.

Sec. 35. RULES FOR ADMISSION OR DISCHARGE OF MEMBERS.—Each company may adopt such rules as to admission of members as it deems best, and may provide for the discharge of its members by rules or by-laws; provided, such rules or by-laws are first approved by the Adjutant General, and any person discharged in accordance with such rules or by-law, after the same shall have been approved by the Adjutant General, ceases to be a member of the Alabama National Guard.

Sec. 36. TERM OF ENLISTMENT. The term of enlistment in the Alabama National Guard shall be for three years, and after standing the prescribed physical examination as set out in blanks furnished by the Adjutant General for the purpose. If accepted, the following oath must be administered by the commanding officer of any company, troop or battery: "I do solemnly swear that I will support the Constitution of the United States and of the State of Alabama, and obey all lawful orders of my superior officers while I remain a member of the Alabama National Guard". The said oath must be filed in the office of the Adjutant General.

Sec. 37. DISCIPLINE AND EXERCISE.—The system of discipline and exercise of the Alabama National Guard shall conform generally to that of the Army of the United States as is now or may hereafter be prescribed by Congress; except as otherwise prescribed by this Act, or may hereafter be provided for by the laws of this State.

Sec. 38. UNIFORM PRESCRIBED.—The uniform of officers, non-commissioned officers and enlisted men shall conform in style and material to that of the United States Army, excepting as follows: (1) The collar ornaments of the undress uniform of commissioned officers shall be the letters "Ala" superimposed upon the letters "U. S."

Sec. 39. OFFICERS TO EQUIP THEMSELVES. Upon being commissioned, officers shall provide themselves with proper uniforms, arms and equipment as prescribed by regulations, and shall maintain same in a state of serviceable efficiency during their term of office.

Sec. 40. PERSONS OTHER THAN THOSE AUTHORIZED NOT TO WEAR UNIFORM. The uniform or insignia of rank worn by officers of the National Guard of Alabama shall be worn only by the persons entitled thereto by commission under the laws of the State or the United States. Every person other than an officer or enlisted man of the National Guard, Naval Militia, or marine corps of this State or of any other State, or of the United States army, Navy, Marine Corps, or Revenue Service, who wears the uniform of the United States Army, Navy, Marine Corps, or Revenue Service, or National Guard, Naval Militia or Marine Corps, or any part of such uniform or a uniform,

or a part of uniform similar thereto or in imitation thereof, within the bounds of the State of Alabama, except in cases where the wearing of such uniforms is permitted by the laws of the United States, and the regulations of the War and Navy Departments, is guilty of a misdemeanor, and if found guilty of such offense shall be punished by fine of not less than \$10.00 nor more than two hundred and fifty dollars; or by imprisonment in the County jail not exceeding sixty days, or by both such fine and imprisonment; provided, that nothing in this Act shall be construed as prohibiting persons in the theatrical profession from wearing such uniform while actually engaged in such profession, in any playhouse or theatre, in a production in no way reflecting upon such uniform; and provided that nothing in this Act shall prohibit the uniform rank of civic societies parading or traveling in a body or assembling in a lodge room; provided further, that whenever the National Guard or a part thereof shall parade or appear in uniform in the locality where said National Guard is in service; and provided further that this section shall not apply to cadets of any military school or to the Boy Scouts.

Sec. 41. **UNIFORM NOT TO BE DISCRIMINATED AGAINST.**—Any proprietor, manager or employee of any theatre or other public place of entertainment or amusement within this State, who shall discriminate against any person lawfully wearing the uniform of any branch of the military or naval service of the United States or of the State of Alabama, because of that uniform, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed Fifty (\$50.00) Dollars.

Sec. 42. **MILITARY EQUIPMENT NOT TO BE DISPOSED OF.** The clothes, arms, military outfits and accoutrements, furnished by or through the State to any member of the militia, shall not be sold, bartered, loaned, exchanged, pledged or given away, and no person not a member of the military forces of this State or the United States, or duly authorized agent of this State or the United States, who has possession of such clothes, arms, military outfits or accoutrements so furnished, and which have been the subject of any such unlawful disposition, shall have any right, title or interest therein, but the same shall be seized and taken wherever found by any civil or military officer of the State, and shall thereupon be delivered to any commanding officer, or other officer authorized to receive the same, who shall make an immediate report to the adjutant General. The possession of any such clothes, arms, military outfits or accoutrements by any person not a member of the military forces of this State, or any other State, or of the United States, shall be presumptive evidence of such sale, barter, loan, exchange, pledge, or gift.

Sec. 43. BONDS OF OFFICERS RESPONSIBLE FOR PUBLIC PROPERTY OR MONEY.—Any officer to whom public military property is issued at any time, or to whom any public money is paid, or who disburses any such funds, shall be required to give bond in a surety company; conditioned faithfully to perform the duties of his office; to use all care in the safe-keeping of military stores and property committed to his custody; to account for the same and to deliver to his successor, or to any other person authorized to receive the same, all such military property; and to properly account for all public money received by him, and for all public money disbursed; the bonds to be approved by the Adjutant General and the premiums thereon to be paid by the State.

Sec. 44. LIABILITY OF BONDED OFFICERS.—No commissioned officer giving bond for the safe keeping of arms or other public property is to be held liable for loss by fire, riot or insurrection, or other casualty of the service, unless held liable by a surveying officer, or board of survey, who shall be appointed by the Governor.

Sec. 45. EXEMPTION FROM POLL TAX, STREET TAX, AND JURY DUTY; CERTIFICATE TO BE FURNISHED.—Every officer and enlisted man of the National Guard of Alabama shall be exempt from poll tax, road duty, street tax, and jury duty during his active membership, any local or special laws to the contrary notwithstanding. The commanding officer of each company, troop, battery, or other similar organization, shall furnish each member of his command applying for the same such certificate of membership as may be prescribed by the Adjutant General, signed by such commanding officer, which certificate shall be accepted by any court as proof of exemption as provided by this section. Such certificate shall be revoked whenever the holder is absent from four consecutive formations without satisfactory excuse, and shall be good only for the calendar month within which it bears date. The commanding officer of a division, brigade, regiment, or separate battalion, shall issue a similar certificate to each of his field officers and to his commissioned and enlisted staff.

Sec. 46. EXEMPTION OF REAL AND PERSONAL PROPERTY OF A MILITARY ORGANIZATION FROM TAXATION.—The following property and persons shall be exempt from advalorem taxation and none other. All property both real and personal owned by any unit or organization of the Alabama National Guard, officially recognized as such by the Federal Government and organized and maintained by the State, and all property owned by other and used exclusively by and kept exclusively in the possession of any such unit or organization of the Alabama National Guard, the annual rent or hire of which is

not in excess of the annual State, county and municipal taxes on said property, shall be and is hereby exempted from taxation by the State, and the county and municipality in which the same may be situated.

Sec. 47. STATE ARMORY COMMISSION, CREATION OF; DUTIES, ETC. ACQUISITION OF ARMORIES, ETC.

(1) There is hereby created, for the use and benefit of the Alabama National Guard and of the Naval Militia of Alabama, a State Armory Commission. Such Commission shall consist of three members, all of whom shall be Officers of the Alabama National Guard. The Adjutant General of Alabama shall be the ex-officio Chairman of such Commission, and the two additional members thereof shall be named by the Adjutant General, subject to the approval of the Commander-in-Chief. (2) DUTIES, ETC. It shall be the duty of the State Armory Commission to assist units of the Alabama National Guard and of the Naval Militia in securing ownership of their necessary armories, storage rooms or buildings, stables for animals, and lots or acreage; and to assist such units in accomplishing any similar, and legal, enterprise which shall be for the betterment of such units. Such Commission shall likewise act as a Board of Appraisors in accomplishing any of the provisions prescribed in this section. The Adjutant General shall also be the custodian of any funds which may come into the possession of such Commission and it shall be his duty to deposit same in a bank in Montgomery, Alabama; such account to be styled "State Armory Commission," "By: The Adjutant General of Alabama"; writing his name in ink immediately above the words: "The Adjutant General of Alabama." (3) PURCHASE OF BUILDINGS, ETC. Under such conditions as may be prescribed by the State Armory Commission, each Company, Troop, Battery, or similar unit, of the Alabama National Guard and each such similar unit of the Naval Militia of Alabama, or any two or more of such units as may be located in the same town or city, shall have the right, power and authority to purchase a building or buildings; or to purchase a suitable lot and to construct thereon a building or buildings, any or all of which shall be suitable for use as an armory, as a storage place for military property issued by the Federal Government to each of such units, or to serve as stables for the proper care of animals actually in the possession of any such unit; and to purchase suitable acreage where necessary for use as a grazing field for animals, as a flying field, or as an out-door drill field or target range. (4) FUNDS FOR OBTAINING ARMORIES, ETC. All funds required to be expended under the provisions of this article may be taken from any unexpended balance in the Company, troop, or Battery Fund; or from any monies which any unit of the Alabama National Guard may procure by voluntary

contribution or gift from any county, municipality, citizen or citizens; or from any other legal source. Any expenditure from funds so procured shall first be approved by the State Armory Commission. (5) **TITLE TO PROPERTY: WHERE VESTED.** In any case where any unit of the Alabama National Guard or of the Naval Militia of Alabama desires to receive the benefit of any of the provisions of this section, the Commanding Officer thereof shall notify the Chairman of the State Armory Commission and at the same time furnish him with a detailed plan and specifications for the proposed transaction. Thereupon, it shall become the duty of the Adjutant General, at a time and place to be selected by him, to convene the State Armory Commission,—any two of whom shall constitute a quorum—, for the purpose of functioning as provided heretofore in this section. In the event any such transaction be concluded whereby such unit becomes the possessor of such building, or buildings, storehouse, stables, or lots or acreage, it shall be the duty of the State Armory Commission to have the seller of any of such property deliver a warranty deed to the Commission; and such warranty deed shall be so phrased as to place the title to the property in question in "The State Armory Commission for the State of Alabama." It shall likewise be the duty of the seller, in any and all of such transactions, to furnish free of charge to such Commission an abstract to the property in question. It shall then become the duty of the Attorney General of Alabama to examine such Warranty Deed and such Abstract and then to furnish to the Adjutant General a written opinion concerning the nature of the title conveyed and whether such title be good and merchantable. It shall be the duty of the Adjutant General to provide a safe place for the storage of all papers handled by the State Armory Commission. (6) **DISPOSITION OF PROPERTY ON MUSTER OUT OF UNIT.** In the event occasion arises whereby it becomes the duty of the Adjutant General to muster out of service any unit of the Alabama National Guard, or of the Naval Militia of Alabama, which has procured its own properties, etc., under the provisions of this section; thereupon, it shall become the duty of the Adjutant General to convene the State Armory Commission, and such Commission shall make diligent investigation into the status of the unit-owned properties. In the event the Adjutant General should determine that no new unit shall be organized at the home station of the unit in question, then such Commission shall constitute itself as a Board of Appraisors; which Board shall have the power to fix, or ascertain, the then value of such properties. For the purpose of accomplishing its mission in a fair and just manner, such Board shall have the power to examine citizens who have expert knowledge relative to the value of used properties. After such action

the State Armory Commission will then determine whether it shall hold the properties for a reasonable time, or whether it shall proceed to advertise such properties for sale which shall be either public or private, subject to the stipulation that the value placed upon the properties in question by the Board of Appraisors shall be a minimum amount for which such properties will be sold and that all bids at such sale falling below such minimum figure will not be considered in the sale. When such sale has been consummated, it shall become the duty of the Adjutant General to have a proper warranty deed prepared, which shall vest title in the purchaser; and deliver to the purchaser the abstract in his possession covering such properties. (7) **DISPOSITION OF PROCEEDS FROM SALE OF PROPERTIES.** Monies received from the sale of unit-owned properties shall be paid immediately to the Adjutant General and deposited by him in the manner prescribed in Par. (2) of this section. Whenever, through the sale of properties of mustered out units, or through any other means, money shall be in a bank to the credit of the "State Armory Commission", as prescribed in Par. (2) of this section, the State Armory Commission shall have, and is hereby given, the power and authority to draw its check on such account for the purpose of assisting any other unit of the National Guard or of the Naval Militia in procuring properties for its own use. The State Armory Commission shall have the power of determining at what place and by which unit the assistance prescribed in this Section shall be used.

Sec. 48. MILITARY COURTS.—A. The military courts of this State shall be: First, Courts of Inquiry; second, General Courts-martial; third, Special Courts-martial; Fourth, Summary Courts. (1) **Courts of INQUIRY.** Courts of Inquiry shall consist of from one to three officers and may be instituted by the Commander-in-Chief for the purpose of investigating the conduct of any officer, or any facts made the subject of military complaint. Such courts of inquiry shall without delay report a statement of facts, and when required, the evidence adduced and an opinion thereon, to the Commander-in-Chief, who may, in his discretion, thereupon order a court-martial for the trial of the officer or officers whose conduct has been inquired into. (2) **GENERAL COURTS-MARTIAL.** General courts-martial shall be ordered by the Commander-in-Chief and shall consist of not less than five nor more than fifteen officers exclusive of the judge advocate and of the law member of the court; but at all times a majority of the court, if possible, must be of a grade at least equal to that of the accused. Such courts shall have jurisdiction in all cases arising under the military laws, rules, regulations or orders in force in this State and may inflict any punishment authorized by the provisions of this Act. (3) **SPECIAL**

COURTS-MARTIAL. Special courts-martial shall consist of three officers, any two of whom shall constitute a quorum, who shall be appointed by the commanding officer of a regiment, or separate battalion or squadron, upon the approval of the Governor, for the trial of officers and enlisted men in his command. The jurisdiction of a special court-martial shall extend to all military offenses but it shall not inflict a punishment exceeding a fine of fifty dollars, besides the cost of prosecution, and thirty days in jail, all or either of which or any part thereof, the court may impose at its discretion. (4) **SUMMARY COURTS.** Summary courts shall constitute the officer second in rank present for duty with each company, troop, or battery for the trial of enlisted men in such company, troop, or battery. Their jurisdiction shall extend to all offenses cognizable before special courts-martial, and they may inflict punishment not exceeding a fine of ten dollars and cost of prosecution, or imprisonment not exceeding five days, at the discretion of the court. B. Laws, etc., Applicable. All the laws, rules and regulations governing the army of the United States relating to courts-martial and the trial and punishment of military offenses shall apply to and in all things govern the militia and National Guard of this State when in actual service in time of war, insurrection, invasion or riot or public danger; otherwise they shall be in force as far as consistent with this Act. The proceedings of all courts-martial shall be in accordance with the United States Army Regulations, the Manual for Courts-Martial of the United States Army, or customs of service prevailing in the army of the United States. C. Findings to be Approved by Commander-in-Chief: Power of Arrest, etc. No finding of any general or special court-martial shall be executed until approved by the Commander-in-Chief; and when the finding is so approved, the Commander-in-Chief shall cause the proper orders to be issued to the sheriff of the county in which such court is held to carry the finding of the court into effect, in such manner as is provided by law in civil cases. (1) All courts-martial and summary courts shall have authority to issue writs of arrest directed to the sheriff or constable of any county to arrest and bring before the court any member of the National Guard of Alabama against whom charges are pending in said court. (2) Court-martial may subpoena any witness residing within one hundred miles of the place where the court is sitting to appear and testify before it; and the sheriff, on receiving any subpoena issued by direction of a court-martial and signed by the judge advocate thereof, shall make service and return of service as provided by law in civil cases. D. **PAYMENT OF EXPENSES OF COURTS-MARTIAL.** All expenses incurred in court-martial proceedings, including the payment of one stenographer; sheriffs' fees for ser-

vice of complaint, warrants, summonses and subpoenas; witness fees at the same rate allowed by law in criminal cases; together with pay, subsistence and necessary expenses of the members of the court; shall be paid by warrant in the usual manner, upon approval of the Governor. (1) **EMPLOYMENT OF A REPORTER.** The employment of a stenographic reporter may be authorized by the convening authorities for all general and special courts-martial. When a reporter is employed, he shall be paid upon the certificate of the judge advocate, upon the approval of the Governor, from the military appropriation, such fees as are provided by law for official court reporters. (2) **DISPOSITION OF FINES.** The proceeds of all fines shall be paid to the commanding officer of the company of which the accused is a member; and if the accused is a field officer, to the commanding officer of the regiment of which he is a member; for the benefit of the military fund of such organization: and all costs of prosecution shall in the first instance be paid out of such funds; and the regimental commander may by an order compel such payment, when the company fails or neglects to do so within a reasonable time.

Sec. 49. MILITARY OFFENSE; What constitutes.—A military offense, within the meaning of this Act, includes any delinquency or violation of the laws, rules, regulations or orders governing the militia or National Guard of this State, as well as the laws or regulations governing the Army and Navy of the United States, as far as applicable to the militia or National Guard of this State. The offenses hereinafter enumerated shall be defined as similar offenses are defined in the articles of war, laws and regulations governing the United States Army.

Sec. 50. OFFENSES OF OFFICERS: PENALTY.—Commissioned officers may be tried by a general court-martial for the following offenses, and on conviction thereof, may be sentenced to be cashiered, and shall thereby become incapacitated from holding any military commission; dismisses; fined to any amount not exceeding one hundred dollars (\$100.00) and costs of prosecution, or, in default of payment thereof, imprisoned in a county jail not exceeding sixty days; or reprimanded; or to all or either of said fines and penalties: First, Conduct unbecoming an officer and a gentleman. Second, Drunkenness on duty. Third, neglect of duty or leaving his post of command. Fourth, disobedience of orders, Fifth, oppression of any under his command. Sixth, conspiracy or attempt to resist or evade lawful orders, or advising any person to do so. Seventh, insult or disrespect to a superior officer in the line of military duty. Eighth, making a false certificate, account, muster, or return. Ninth, conduct to the prejudice of good order and military discipline. Tenth, embezzlement or misappropriation of military or

company funds, or wilful conversion of company, State or government property. Eleventh, wilfully disclosing or making improper use of a watchword or parole. Twelfth, desertion or cowardice. Thirteenth, wasting or destroying company, State or government property. Fourteenth, any other violations of the laws, rules, regulations and orders governing the National Guard as well as the articles of war governing the United States Army as far as consistent with this Act. Commissioned officers may be tried by a special court-martial for the following offenses, and on conviction thereof, may be fined not exceeding ten dollars (\$10.00) and costs of prosecution; or, in default of payment thereof, imprisoned in a county jail not exceeding five days; for non-attendance or tardiness at any drill, parade, encampment (each day); inspection; or other duty ordered by competent authority.

Sec. 51. TRIABLE OFFENSES OF ENLISTED MEN.—Enlisted men may be tried by a general or special court-martial for the following offenses: First, wilfull disobedience of orders. Second, disrespect to superiors. Third, mutiny. Fourth, desertion. Fifth, drunkenness on duty. Sixth, neglect of duty. Seventh, making false report or certificate. Eighth, fraudulent enlistment. Ninth, conduct prejudicial to good order and military discipline. Tenth, violation of any provision of the military code or rules and regulations of the National Guard. On conviction, such enlisted men may be sentenced to be dishonorably discharged with loss of time served, in the event trial be had by a general court-martial; reprimanded, and, if a non-commissioned officer, reduced to ranks; or fined to an amount not exceeding fifty dollars and costs of prosecution; or, in default of payment thereof, imprisoned in a county jail not exceeding thirty days; or all or either of such fines and penalties.

Sec. 52. DELINQUENCIES OF ENLISTED MEN.—Enlisted men may be tried by either a special or a summary court-martial, for the following offenses: First, absence without leave, or tardiness at any drill, parade, encampment (each day), meeting for instruction or other duty ordered by competent authority. Second, disobedience of standing orders. Third, neglect of duty. Fourth, absence from inspection. Fifth, injuring or destroying uniform, arms, equipment or other company, state, or government property; wearing the same, without permission of the commanding officer, when not on duty. Sixth, conduct unbecoming a soldier or prejudicial to good order or military discipline. Seventh, disrespect to superiors. On conviction any such enlisted man may be, in the event such trial be had before a special court-martial, reprimanded; reduced to ranks; or he may be fined in a sum not exceeding thirty dollars and costs of prosecution; or, in default of payment thereof, he may be imprisoned

in a county jail for a period not exceeding thirty days; or all or either of such fines and penalties. In the event such trial be had before a summary court-martial, such court shall have the power to inflict any or all of the penalties prescribed above to be inflicted by a special court-martial, with the exception that a summary court-martial may not inflict a fine of more than five dollars, nor imprisonment for a period of more than five days.

Sec. 53. PROPERTY LOSS OR DAMAGE.—If an article of public property be lost or damaged by the neglect or fault of any officer or enlisted men, he shall pay the value thereof, or the cost of repairs at such rates as may be determined by a survey of the property. The proper officer shall be authorized to enter upon the payroll a stoppage against the pay of any enlisted man who loses or damages any public property, the amount of said stoppage not exceeding the value of the lost property or the cost of repairs at such rates as may be determined upon by a survey of said property; and he shall be informed at the time of signing the payroll that his signature will be regarded as an acknowledgment of the justice of the charge.

Sec. 54. COMMANDING OFFICER MAY ORDER BATTALION DRILL.—The commanding officer of a regiment, squadron or separate battalion, or the senior officer of the line present, when two or more companies, troops or batteries are stationed at the same place, may, not more than once each month, order a squadron or battalion drill, parade, practice march, field exercise or inspection, and any officer or man of the Alabama National Guard failing without good excuse to obey such order shall be fined, in the discretion of a court-martial, not to exceed twenty dollars, and in addition thereto, in the event such trial be had before a general court-martial, he may be dishonorably discharged and dismissed from the service of the State.

Sec. 55. GOVERNOR MAY ORDER GUARD INTO ANNUAL ENCAMPMENT, RATIONS, ETC.—Subject to the restrictions of the National Defense Act, the Governor may annually order into service the whole, or such portion of the National Guard of Alabama as he may deem proper; the period of such service to be fixed by the Governor subject to the restrictions mentioned above. When so ordered into the service of the State, and such rations are not furnished by the United States Government, the State shall furnish rations for the officers and men, of the same quality as the rations furnished the Regular Army, and pay such expenses of said encampment as the Governor may deem proper, including the traveling expenses of officers and men incurred in obeying such orders, when such expenses are not paid by the Government of the United States.

Sec. 56. ATTENDANCE OF OFFICERS AND MEN MAY BE ENFORCED.—Whenever any part of the Alabama National

Guard is called into active service for the State, for any purpose whatever, the commanding officer may enforce the attendance of officers and men. And any officer or man failing to report when ordered, without sufficient excuse, to be judged by a court-martial, shall be deemed and treated as a deserter.

Sec. 57. WHEN TROOPS ARE IN ACTIVE SERVICE.—The troops ordered into the service of the State for enforcement of the Law, the preservation of the peace, or for the security of the rights or lives of citizens, or protection of property, or any similar duty, shall be deemed to be in active service. Officers and enlisted men employed under orders of the Governor, in recruiting; making tours of instruction; inspection of troops, armories, storehouses, campsites, rifle ranges and military property; sitting on general or special courts-martial, boards of examination, courts of inquiry, or boards of officers, or making and assisting in physical examinations; or any similar duty, shall be deemed to be in active service, when it is so specified in orders. Orders shall specify in every case if pay and travel or expenses are allowed.

Sec. 58. PAY OF OFFICERS AND MEN FOR STATE SERVICE.—Officers and enlisted men, when employed in the active service of the State, as defined and provided in this Act, beginning on the day they assemble at their armories, or other designated places, until the day they have returned thereto and been properly relieved, inclusive, fractional parts of a day counting as a full day (a day beginning at midnight and ending the following midnight), shall receive pay and allowances as follows: Officers shall receive the same pay and allowances which officers of like rank in the United States Army are entitled by law to receive; and in addition the cost of hire of one horse and one forage ration, when required to be mounted, when the same not furnished by the State. Enlisted men: A Master Sergeant \$4.90 per day, a Technical Sergeant, \$4.50 per day, a Staff Sergeant, \$4.25 per day, a Sergeant, \$3.60 per day, a Corporal, \$2.95 per day, a Private First Class, \$2.30 per day, a Pvt. First Class as a Spec. 1st Cl., \$4.00 per day, a Pvt. First Class as a Spec. 2nd Cl., \$3.60 per day, a Pvt. First Class as a Spec. 3rd. Cl., \$3.30 per day, a Pvt. First Class as a Spec. 4th Cl., \$3.10 per day, a Pvt. First Class as a Spec. 5th Cl., \$2.85 per day, a Pvt. First Class as a Spec. 6th cl., \$2.50 per day, a Private, \$2.00 per day, a Private as a Specialist 1st Class, \$3.65 per day, a Private as a Specialist 2nd Class, \$3.30 per day, a Private as a Specialist 3rd Class, \$3.00 per day, a Private as a Specialist 4th Class, \$2.80 per day, a Private as a Specialist 5th Class, \$2.50 per day, a Private as a Specialist 6th Class, \$2.20 per day. Each enlisted man shall be entitled to one ration per day on commutation of same at the actual cost of subsistence, under such regulations as

the Governor may prescribe. The pay and allowances authorized by this section shall be paid out of the general treasury, and not from the military appropriation hereinafter provided for organization, maintenance, support and up-keep, on warrant of the Auditor on organization pay rolls or vouchers for individuals as may be required by the Governor as Commander-in-Chief, accompanied by copies of the orders authorizing service. Before payment, pay rolls and vouchers shall be certified by the Adjutant General and approved by the Governor.

Sec. 59. WHEN IN ACTIVE SERVICE, ARTICLES OF WAR, etc., of U. S. ARMY GOVERN.—Whenever any portion of said troops are ordered into active service, either for the purpose of perfecting them in military discipline and drill, or to aid in the enforcement of the laws of the State, officers and men so ordered into service shall, during such time, be governed by the articles of war and the rules and regulations of the United States Army then in force, so far as consistent with the Constitution of this State.

Sec. 60. POWER OF COMMANDING OFFICER IN ACTIVE SERVICE TO ESTABLISH GUARDHOUSE, etc.—The commanding officer of troops in camp, garrison, or other active service, may establish a guard house. In such guard house he may incarcerate any non-commissioned officer, or private, or any non-commissioned officer refusing to submit to arrest; and any person guilty of drunkenness, breach of the peace, or disorderly conduct, in camp or within one mile of the limits thereof. The commanding officer may cause the removal from the camp, and the grounds within one mile of its boundary, of any drunk or disorderly or disreputable person. If such person returns to such limits without the permission of the commanding officer, or if he resists removal, he may be confined to the guard house until he submits to leave, or he may be turned over to a civil officer. Such commanding officer shall also have authority to abate any menace to the health or safety of his command, within one mile of his camp, garrison or station.

Sec. 61. SALE OF LIQUORS PREVENTED IN OR NEAR CAMP.—The commanding officer of any camp or garrison shall prevent the sale or giving away within said camp or station, or within one mile thereof, of any spirituous, vinous, or malt liquors. He may also use any portion of his command for the enforcement of order and proper sanitation within such limits.

Sec. 62. COMMANDING OFFICER MAY ORDER CERTAIN PLACES CLOSED.—When any part of the Militia of Alabama is in active service by order of the Governor or other civil magistrate, to aid in the enforcement of the laws, the commanding officers of such troops may order the closing of any places where intoxicating liquors, arms, ammunition, dynamite,

or other explosives, are sold; and forbid the selling, bartering, lending, or giving away, of any of said commodities in the city, town or village, where the troops are on duty, or in the vicinity of such place, for so long as any of the troops remain on duty in said vicinity. Such orders shall take effect whether or not any civil officer has issued a similar order; and the commanding officer of such troops may continue said prohibition in force until the departure of the troops, although the sheriff, mayor, or intend-ent, of the county, city, town, or village, may have prescribed an earlier or different date after which such selling, bartering, lending, or giving away, shall be carried on.

Sec. 63. **EXPENSES OF OFFICERS, ETC. WHILE TRAVELING UNDER ORDERS TO BE PAID.**—Any officer or enlisted man of the National Guard of Alabama, or of the United States Army detailed for duty with the National Guard, traveling on military business in obedience to the orders of the Governor, may be paid all actual necessary expenses incurred in the performance of such duty; and the Governor shall prescribe rules and regulations for the presentation, verification, and payment, of all expenses authorized by this Act; and upon his direction in writing, the State Auditor shall draw a warrant in favor of such person for the amount of such expenses. In each case where per diem is allowed, it shall be so stipulated in orders.

Sec. 64. **HIRE OF HORSES.**—The payment for hire of horses for such officers and enlisted men as are required to be mounted, and for horses necessary for batteries of field artillery, and for such horses and mules as may be required for machine gun companies, and for wagon transportation, when in active service, including camps of instruction, combined camps, practice marches, parades, maneuvers and other exercises, when ordered by the Governor as Commander-in-Chief, shall, when bills for such hire are approved by the Governor, be paid out of the military appropriation by the Auditor by warrant upon the State Treasurer.

Sec. 65. **PURCHASE OF SUPPLIES BY SURGEON.**—The Surgeon of a brigade and of each regiment, separate battalion and squadron, may purchase, with the approval of the Commander-in-Chief, at the expense of the State, all necessary medicines, bandages, surgical instruments, etc., that may be necessary for the proper taking care of the troops while in active service; and for the expense so contracted such surgeon shall file his claim with the Adjutant General, not later than three months after the accrual of such expense, and the State auditor shall at once draw a warrant on the treasurer for the payment of the same.

Sec. 66. **EMERGENCY PURCHASES.**—No officer of the Militia shall incur any expense whatsoever to be paid by the

State, except such expenses as are authorized in this Act, without first obtaining the consent of the Governor: provided; that in extreme emergencies, the commanding officer of any organization or detachment of the National Guard of Alabama in active service may hire, rent, or make purchases of, such necessities as are absolutely required for the immediate use and care of his command. A report of such action, containing a statement of the articles hired, rented, or purchased; the price thereof and the necessity therefor; shall be immediately forwarded through channels to the Adjutant General of the State, who shall forward such statement to the Governor with his recommendation.

Section 67. COMPENSATION FOR INJURIES OR DEATH AND REHABILITATION IN CASE OF PERMANENT DISABILITY.—A. CARE OF MEN INJURED WHILE IN ACTIVE SERVICE. Every member of the militia who shall be wounded or disabled while in the active service of the State; in case of riot, tumult, breach of peace, resistance to process, invasion, insurrection, or imminent danger thereof; or whenever called upon in aid of the civil authorities; shall be taken care of and provided for at the expense of the State; and shall be continued in the active service of the State until maximum possible physical improvement has been reached. **B. DEATH IN THE ACTIVE SERVICE OF THE STATE.** In case of injuries received in line of duty, in the active service of the State, resulting in death, the dependent members of the family of the deceased, if there be such, shall receive the same compensation as is provided by the Workmen's Compensation Law, the earning of the deceased in his civil vocation being the basis for such compensation. But in no case shall the basis for compensation be less than the salary the deceased was earning in active military service of the State. The compensation under this section shall be paid out of the General Treasury, from monies not otherwise appropriated, when not paid by a Bonding Company. **C. PERMANENT DISABILITY IN THE ACTIVE SERVICE OF THE STATE.** In the case of a soldier wounded or disabled while in the active military service of the State, the disability being of a permanent nature, in order that the soldier be enabled to receive the benefits of the State Industrial Rehabilitation Law, the State shall bear the expense of transportation, subsistence, and shelter of the soldier during the period of training. The total sum allowed for subsistence and shelter not to exceed Fifty (\$50.00) Dollars per month and the actual cost of transportation from his home to and from the place of training. The compensation under this section shall be paid out of the General Treasury from monies not otherwise appropriated.

Sec. 68. MILITARY BOARD: MEMBERS, DUTIES, MEETINGS, ETC., OF.—There shall be a military board, con-

sisting of the Adjutant General, the brigade commander, and, in the discretion of the Governor, two additional members who may be line officers of the National Guard, not below the rank of lieutenant colonel. They shall constitute an advisory body to the Commander-in-Chief on military matters appertaining to the State, and shall meet at such times as the Governor may deem their services to be necessary for the transaction of such business as may need their attention. The said board may prepare and promulgate articles, rules and regulations for the organization, discipline, government, and compensation, of the Alabama National Guard, not inconsistent with the Constitutions and laws of the United States or of this State; which rules and regulations, when approved by the Governor shall be published to the troops and shall have the force and effect of law, and a copy of the same shall be furnished every commissioned officer. They may, subject to the approval of the Commander-in-Chief, make such changes in the military organization of the State as they deem best for the interest of the service, or to conform said organization to the laws of the United States, and to the organization of the army thereof; but said changes shall not conflict with the laws of the State, and the expense thereof to the State shall not be increased by such changes beyond the annual appropriation for the National Guard.

Sec. 69. **RETIRED LIST.**—Whenever any commissioned officer or enlisted man has served ten years in the aggregate in the Alabama National Guard he may, upon application to the Governor, be retired from active service and placed upon the retired list without pay or allowance. When any officer has reached the age of sixty-two years he may, at the discretion of the Governor, be so retired and placed upon the retired list. When any officer shall reach the age of sixty-four, he shall be retired. Officers and enlisted men on the retired list may wear, on appropriate occasions, the uniforms prescribed for the highest grade attained by them during their active service; the uniforms to be without corps, department or regimental designation. Any officer or enlisted man who has heretofore been honorably discharged after ten years service may be placed upon the retired list upon his own application.

Sec. 70. **VETERAN'S BADGE.**—Any officer, non-commissioned officer, or private, who shall have faithfully served in the Alabama National Guard in any grade for six consecutive years shall have conferred upon him the right to wear a veteran's badge, which shall be prescribed by the Governor. He may also wear the insignia of his rank if he so desire.

Sec. 71. **APPROPRIATIONS FOR ORGANIZATIONS.**—In commutation of the expense which each organization of the National Guard of Alabama bears in providing drill room and a

safe place for the keeping of supplies, equipment, arms, ammunition, and animals; and in defraying the expense necessary and incident to the upkeep of the organization; there shall be allowed to the Commanding Officer of each Headquarters of a Battalion; Headquarters of a Squadron; or similar headquarters of a Unit that is a part of a Regiment; or similar unit with equivalent administrative duties or property responsibility; the sum of \$120.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary. Such allowance shall be paid quarterly. To the Commanding Officer of each Headquarters Special Troops of a Division; Headquarters of a Brigade; Headquarters of a Regiment; State Staff Corps and Departments; Medical Detachment of a Squadron; Medical Detachment of a Battalion; or organization with equivalent administrative duties or property responsibility; the sum of \$300.00 per annum or such less amount as the Adjutant General may recommend to the Commander in Chief and the Governor may deem necessary. Such allowance shall be paid quarterly. To the Commanding Officer of each Military Police Company; Headquarters Company of a Division; Headquarters Company of a Brigade; Regimental Headquarters Company of Infantry; Battalion Headquarters Company of Infantry; Headquarters Detachment, Machine Gun Squadron; Rifle Company of Infantry; Ambulance Company or Troop; Veterinary Company or Troop; Motor Repair Section; Motor Transport Company; Motorcycle Company; Medical Detachment, Infantry Regiment; Medical Detachment, Field Artillery Regiment; or other Unit with equivalent administrative duties or property responsibility; the sum of \$600.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary. Such allowance shall be paid quarterly. To the Commanding Officer of each Photo Section, Air Service; Howitzer Company of Infantry; Machine Gun Company of Infantry; Service Company of Infantry; Wagon Company; Ordnance Maintenance Company; Headquarters Company of Engineers; Service Company of Engineers; Company of Coast Artillery; or other Unit with equivalent administrative duties or property responsibility; the sum of \$720.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary. Such allowance shall be paid quarterly. To the Commanding Officer of each Lettered Company of Engineers, Mounted; Rifle Troop of Cavalry; Headquarters Troop of Cavalry; or other Unit with equivalent administrative duties or property responsibility; the sum of \$780.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the

Governor may deem necessary. Such allowance shall be paid quarterly. To the Commanding Officer of each Hospital Company; Machine Gun Troop of Cavalry; or other Unit with equivalent administrative duties or property responsibility; the sum of \$840.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary. Such allowance shall be paid quarterly. To the Commanding Officer of each Headquarters Battery of a Regiment of Field Artillery; Headquarters Detachment and Combat Train, Field Artillery; Gun Battery of Field Artillery (75 m m Horse Drawn); Service Battery of Field Artillery; Ammunition Train, Field Artillery; or other Unit with equivalent administrative duties or property responsibility; the sum of \$900.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary. Such allowance shall be paid quarterly. To the Commanding Officer of each Division Signal Company; Anti-Aircraft Battery; Balloon Company; or other Unit with equivalent administrative duties or property responsibility; the sum of \$960.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary. Such allowance shall be paid quarterly. To the Commanding Officer of each Tank Company; separate Division of Naval Militia; or other Unit with equivalent administrative duties or property responsibility; the sum of \$1,020.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary. Such allowance shall be paid quarterly. To each Band the sum of \$1,800.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary. Such allowance shall be paid monthly. For the purpose of making such payment to a Band under the provisions of this section, it shall be rated as a separate unit from the organization to which it is attached. To the Commanding Officer of each Observation Squadron, Air Service; or other Unit with equivalent administrative duties or property responsibility; the sum of \$3000.00 per annum or such less amount as the Adjutant General may recommend to the Commander-in-Chief and the Governor may deem necessary. Such allowance shall be paid quarterly. To secure such allowance for any month or quarter, the commanding officer of the organization shall make application to the Adjutant General; such application to be accompanied by a sworn statement of all receipts and expenditures for such period as the Adjutant General may require; which statement shall be verified by vouchers showing evidence of payment of said money. Should the Governor disapprove of any expendi-

ture therein, it shall be deducted from the next quarterly or monthly payment.

Sec. 72. COUNTY COMMISSIONERS MAY APPROPRIATE FUNDS.—The county commissioners, board of revenue, or other governing body in each county, may, in their discretion, appropriate sufficient sums, not otherwise appropriated, to pay the necessary expenses of each band, company, troop, battery, hospital corps detachment, and field hospital, of the National Guard of Alabama; or similar unit of the Naval Militia of Alabama; located in their respective counties; to be accounted for to the Governor by the organization receiving such appropriation, in the same manner as other military funds.

Sec. 73. APPROPRIATIONS. REGULAR APPROPRIATION.—The sum of Ninety-Four Thousand Dollars for the fiscal year ending September 30th, 1928; and the sum of Ninety-Four Thousand Dollars for the fiscal year ending September 30th, 1929; and the sum of Ninety-Four Thousand Dollars for the fiscal year ending September 30th, 1930; and the sum of Ninety-Four Thousand Dollars for the fiscal year ending September 30th, 1931; or as much thereof as the Governor may in his discretion deem advisable or necessary shall be and the same is hereby appropriated for the purpose of paying the expenses incident to carrying out the provisions authorized by this Act; and such other expenses, connected with the organization, maintenance, support, upkeep, administration, armament, training, and discipline of the National Guard of Alabama, as the Governor may deem legitimate and necessary; and such other military expenses or expenditures of a general nature as may be to the interest or benefit of the National Guard as the Governor may approve. The Governor shall make rules and regulations governing the disbursements of money under the provisions of this Act, and all expenses authorized to be contracted by him shall be certified to and verified by affidavit with itemized vouchers attached. At the end of the fiscal year the unexpended balance of the annual appropriations made by this act shall revert to the general fund of the State Treasury. Also the sum of Ten Thousand Dollars (\$10,000.00) per year for every year, or so much thereof as may be necessary, for the purpose of procuring group insurance for the members of the National Guard of Alabama; said sum to be expended under the direction of the State Board of Administration for insurance covering accidents or accidental death to the members of the National Guard of the State of Alabama.

Sec. 74. SPECIAL APPROPRIATIONS FOR ACTIVE MILITARY SERVICE.—In addition to the monies appropriated in section 73, there is appropriated out of the monies not otherwise appropriated, such sum as may be necessary for pay, sub-

sistence, shelter, travel, and other necessary expenses of troops called into the active military service of the State for the purpose of enforcing the law, preservation of peace, for the security of lives of citizens, for relief and aid in case of disaster, for the protection of property, or other service ordered by the Commander-in-Chief. The disbursement of all funds appropriated by this act shall be with the approval of the Governor.

Sec. 75. **REVOLVING FUND.**—In order to facilitate the execution of the purposes of this Act and the necessary movement of troops and property, the Adjutant General shall have authority to use a cash fund not to exceed Two Thousand Dollars, to be advanced to the State Property and Disbursing Officer under the authority of the Governor to maintain and use as a revolving fund out of which expenses authorized by this Act may be paid, said revolving fund to be advanced upon approval of this Act out of any appropriation made by this Act and to be reimbursed from time to time out of the fund against which the expenditure is properly chargeable, upon presentation to the Auditor of accounts, receipts and vouchers approved by the Governor showing the legal expenditure of the amount sought to be reimbursed.

Sec. 76. **CONSTITUTIONALITY.**—If any part or provision of any section of this Act shall be declared unconstitutional, said unconstitutionality shall not affect or destroy any other part or provision of said section or any other section of this Act.

Sec. 77. **REPEAL.**—Any and all laws and parts of laws in conflict with the provisions of this Act shall be, and the same are hereby, repealed.

Approved September 9, 1927.

No. 495.)

AN ACT

(S. 89. Fite

To provide for the relief of Charles E. Wilder; to pay him compensation for services rendered the State as Special Circuit Judge in the Tenth Judicial Circuit of Alabama for one (1) months and ten (10) days, to-wit, from April 14th to May 25th, 1924.

Be it Enacted by the Legislature of Alabama:

Section 1. **WHEREAS**, Charles E. Wilder was appointed by the presiding Circuit Judge of the Tenth Judicial Circuit of Alabama on the 14th day of April, 1924 as a Special Judge to preside over the Tenth Division of said Court held by Honorable Roger W. Snyder, who was then ill and unable to preside over and attend the same; and, **WHEREAS**, the said Charles E. Wilder, acting under and by virtue of said appointment, did preside over

and held said Court (trying cases) from to wit, the 14th day of April until the 25th day of May 1924.

Section 2. That in consideration for and on account of said services rendered the State of Alabama and Jefferson County by the said Charles E. Wilder as Special Judge of the Circuit Court in the Tenth Judicial Circuit of Alabama, he is hereby awarded compensation in like manner and amount as that paid Honorable Roger W. Snyder as Circuit Judge of the Tenth Judicial Circuit of Alabama, said compensation to be paid to the said Charles E. Wilder, upon warrants drawn upon the State and County Treasuries, respectively.

Approved September 10, 1927.

No. 498)

(S. 514. Fite

AN ACT

To provide for the training of mentally retarded children of school age in towns of 6000 or more population, according to the last or any subsequent Federal census.

Be it Enacted by the Legislature of Alabama:

Section 1. The school committee or board in every town of not less than 6000 population, according to the last or any succeeding Federal census, shall annually ascertain, under regulations prescribed by the State Department and Superintendent of Education in cooperation with the State Department of Health, the number of children three years or more retarded in mental development in attendance upon its public schools, or of school age and resident therein. At the beginning of each school year, the school committee or board of every town of 6000 population, according to the last or any succeeding Federal census, where there are ten or more such children shall establish special classes for their instruction according to their mental attainments, under regulations prescribed by the State Department and Superintendent of Education.

Section 2. It shall be the duty of State Department and State Superintendent of Education in cooperation with the State Health Department to set up the regulations required herein and to provide the necessary blanks and forms, and to instruct the superintendents and school authorities in the several terms affected in the proper method of carrying out the provisions of this Act.

Section 4. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved September 6, 1927.

No. 499.)

(S. 247. Williams)

AN ACT

To amend Section 6739 of the Code of Alabama 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 6739 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 6739. SALARY OF COURT REPORTER. The official court reporter shall receive a salary of twenty four hundred dollars per year, payable in monthly installments by the counties composing the circuits, each county to pay its prorata of such salary, based upon the assessed taxed valuation of all property of such county for the preceding year, such payment to be made on certificate issued by the judge of the court in favor of such official reporter for the respective amounts due by the several counties each month, the same to be paid by the treasurer of each county out of the general funds thereof on presentation in the same manner as jurors' certificates are now paid.

Section 2. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Section 3. This Act shall take effect immediately after its approval by the Governor.

Approved September 2, 1927.

No. 500)

(S. 587. Teasley)

AN ACT

To authorize governing bodies of all cities in this state having a population of not less than 35,000 inhabitants and not more than 150,000 inhabitants, according to the last or any subsequent Federal census, to exempt from municipal taxation, and to remit any taxes which may be assessed by such cities for municipal purposes against, manufacturing enterprises and manufacturing establishments of any kind, shipbuilding plants, fertilizer plants and factories and plants constructed or operated for the purpose of manufacturing any kind of manufactured products, now or hereafter located in such municipality; such exemption from municipal taxation and such remission of municipal taxes to be for periods of not longer than ten years at any one time.

Be it Enacted by the Legislature of Alabama:

Section 1. That for the purpose of encouraging the construction, extension and operation of manufacturing establishments and manufacturing enterprises of all kinds, shipbuilding plants, fertilizer plants and factories and plants for the production of any kind of manufactured products in cities in this state having a population of not less than 35,000 inhabitants and not

more than 150,000 inhabitants, according to the last or any subsequent Federal census, the governing bodies of all cities in this state having a population of not less than 35,000 inhabitants and not more than 150,000 inhabitants, according to the last or any subsequent Federal census, are hereby authorized and empowered to exempt from municipal taxation, and to remit any taxes which may be assessed by such cities for municipal purposes against, the real and personal property, plant, and franchises of manufacturing enterprises and manufacturing establishments of any kind, shipbuilding plants, fertilizer plants, and factories and plants for the production of manufactured products of any kind now or hereafter located in any such city, including the capital stock of corporations owning such manufacturing enterprises and manufacturing establishments of any kind, shipbuilding plants, fertilizer plants and factories or plants for the production of manufactured products of any kind. Such exemption from municipal taxation and such remission of municipal taxes shall be for periods of not more than ten years at any one time; but the governing body of any such city, upon the expiration of any ten year period of exemption so granted, may extend the period of such exemption for an additional period of not more than ten years.

Section 2. In order to obtain the benefits of such exemption as above provided, the person, firm or corporation owning or controlling any such manufacturing enterprise or manufacturing establishment of any kind or shipbuilding plant or fertilizer plant or factory or plant constructed or operated for the purpose of manufacturing any kind of manufactured products, must make application in writing to the Governing Body of such city, giving the location thereof, the date of organization of the corporation making such application (if it be owned by a corporation), the state under the laws of which such corporation was organized, and if not a corporation, then the name of the person owning or controlling the same, or if it be a co-partnership, the names of the partners composing the firm owning or controlling the same, and praying that an order, resolution or ordinance be adopted by the governing body of such city, granting such person, firm or corporation the exemption provided for in the preceding section; which order, resolution or ordinance, if adopted shall be entered upon the records of the city and shall designate the time when such exemption shall expire; but all such property must be returned to the state for state taxation, unless exempted therefrom by the State.

Section 3. If, at any time, the operation of such manufacturing enterprise, establishment, factory or plant shall cease for a period of six months at any one time,, then and in that event, any exemption so granted shall immediately cease, and be of no fur-

ther effect; provided however, that should operation thereof be resumed, the governing body of such city may in its discretion grant a new period of exemption.

Section 4. If any section, clause, provision or sentence of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or sentence of this act, which is not in and of itself unconstitutional.

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

Section 6. This Act shall go into effect from and after its passage and approval by the Governor, the public welfare demanding it.

Approved September 6, 1927.

No. 502.)

AN ACT

(H. 840. Vickers

To repeal an Act approved February 21st, 1927, entitled "An Act to require all Tax Assessors, Tax Collectors, Judges of Probate, and Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensations, to file monthly itemized statements, under oath, with the treasurer, or such other corresponding officer, in their respective counties, showing monies received and expended by said officers in their respective offices, and departments, in all counties of the State of Alabama, having a population of not less than ninety thousand and not exceeding three hundred thousand, according to the last, or any subsequent Federal census; and to provide penalties for failure to file such reports."

Be it Enacted by the Legislature of Alabama:

Section 1. That the Act of the Legislature of Alabama approved February 21st, 1927, entitled "An Act to require all Tax Assessors, Tax Collectors, Judges of Probate, and Sheriffs, who are not on a salary exclusively, but who receive fees or part fees for their services and compensations, to file monthly itemized statements, under oath, with the treasurer, or such other corresponding officer, in their respective counties, showing monies received and expended by said officers in their respective offices, and departments, in all counties of the State of Alabama, having a population of not less than ninety thousand and not exceeding three hundred thousand, according to the last, or any subsequent Federal census; and to provide penalties for failure to file such reports," be and the same is hereby repealed.

Section 2. This Act shall take effect from and after the date of its approval by the Governor.

Approved September 7, 1927.

No. 504.)

(H. 767. Goode

AN ACT

To Validate Certain Bonds Heretofore Issued By Drainage Districts In Alabama. WHEREAS the validity and legality of bonds heretofore issued by drainage districts in the State of Alabama have been questioned; and, WHEREAS a large amount of bonds have issued, sold and the money secured thereon and the funds derived therefrom have been used for the purposes for which such drainage districts were organized and for the benefit of those having lands therein, and to promote the public health and general welfare; and, WHEREAS said bonds were purchased in good faith from said drainage districts and the purchaser thereof paid therefor the value of such bonds, now, therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That all bonds heretofore issued by drainage districts in Alabama, or by drainage districts organized under color of legal authority, which have by said districts been sold for value and the proceeds thereof devoted to the purposes for which the drainage district was organized be, and the same are hereby validated, and made the binding obligations of said drainage district issuing same, and are hereby made enforceable as if issued under authority of general laws now or hereafter enacted.

Section 2. BE IT FURTHER ENACTED that all laws and parts of laws, general or special, in conflict with this Act are hereby repealed in so far as the same affect the operation of this Act.

Section 3. BE IT FURTHER ENACTED that if any section or clause or sentence of this Act shall be held unconstitutional, same shall not affect any other section, clause or sentence of this Act, it being the intention of the Legislature that this Act be construed liberally to validate bonds issued by drainage districts which have heretofore been sold for value.

Approved September 6, 1927.

No. 505)

(H. 1139. Grove

AN ACT

To provide that those who have been Judges of Circuit Courts or Courts of like jurisdiction, civil or Equity, including Law and Equity Courts, in circuits in the State of Alabama which are composed of only one county, having more than two judges and less than nine Judges, or in circuits which may hereafter be composed of only one county having more than two judges and less than nine judges who have served in such capacity as Judge of one or more such courts combined, twenty years consecutively, and have reached the age of Seventy years may act as advisers of the judges of said circuit; to provide for their duties, compensation by the county and when and how this shall be done.

Be it Enacted by the Legislature of Alabama:

Section 1. All judges of the circuit courts or courts of like jurisdiction, civil or equity, including law and equity courts, in the State of Alabama, which are composed of only one county, having more than two circuit judges and less than nine Circuit judges or in circuits which may hereafter be composed of only one county having more than two Circuit judges, and less than nine Circuit judges, who have served in said capacity twenty consecutive years in the said Circuit Courts or Courts of like civil or equity jurisdiction, including law and equity courts and all others combined, and who have reached the age of seventy years, may, act as advisors of the Circuit Judges in said Circuits, and, upon application as hereinafter provided receive compensation in an amount equal to fifty per centum of the salaries then fixed by law for judges in said Circuit Courts.

Section 2. Any Judge who is entitled to the benefits of this Act, and who desires to so act as such advisor hereunder shall first make application to the Board of Revenue and Road Commissioners, or other Court or Board of like jurisdiction, setting forth the date of his election or appointment as such Judge, the date and place of his birth, the number of consecutive years he has served in such capacity as Circuit Judge and a Judge of a Court of like civil or equity jurisdiction, including law and equity courts, and such other information as may be required by said Board; Whereupon the said board may, by appropriate resolution spread on the minutes of said Board, name said judge, or judges as such advisor or advisors and an order may be made by said board entitling said judge, or judges to fifty per centum of the compensation fixed by law for compensation of Circuit judges at such time, and such advisor or advisors shall receive said compensation in equal monthly installments payable out of the County Treasury of their respective counties, said payments to be made so long as they act as such advisor or advisors.

Section 3. The compensation herein allowed shall be fifty per centum of the salary now or hereinafter paid by the State of Alabama and fifty per centum of the amount now or hereafter supplemented by the County, the intention of this Act being to pay the said advisor or advisors fifty per centum of their gross compensation which they were allowed at the time they became such advisors.

Section 4. Such advisors shall, on the request of the Presiding Judge of said Circuit Court advise the said Circuit Judges on matters coming before them but shall have none of the powers of a Judge.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor; "provided, however, That this Act shall never be construed nor enforced so as to

authorize any authorities to grant any extra compensation, fee or allowance to any public officer, servant, employee or agent after service shall have been rendered nor shall it ever be construed or enforced so as to authorize payment to any person of the salary of a deceased officer beyond the date of his death nor shall it ever be construed or enforced so as to authorize the retirement of any officer on pay or part pay or make any grant to any retiring officer, but that all funds or monies paid out or expended under and by virtue of this Act shall be paid for services to be performed or duties to be discharged in the future by the persons or officers to whom such payments are made.

Approved September 6, 1927.

No. 507.)

AN ACT

(H. 789. Goodwyn

To amend Section 1187, Section 1189, Section 1190 and Section 1193 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1187 of the Code of Alaama, 1923, be amended to read as follows: 1187. That any person desiring to obtain a certificate of registration under this Article shall first make application in writing, paying to the secretary-treasurer a fee of ten dollars (\$10.00) and shall later present himself, or herself, at the regular examination. Said Board shall determine that said applicant is of the age of twenty-one (21) years, of good moral character, has received an education through two years of high school, or its equivalent. On July 1, 1930 the requirement for preliminary education shall be completion of four years of high school or its equivalent. Said Board shall also determine that said applicant has graduated from a school of nursing connected with a general hospital or sanitarium, as defined in Section 1193 of this Code, where not less than three years of consecutive training, with a systematic course of instruction is given, or has graduated from a school of nursing in connection with a hospital in good standing, supplying a systematic training corresponding with the above standards, which training may be obtained in one or more affiliated hospitals. Said board shall then proceed to examine said applicants in elementary anatomy, and physiology, bacteriology, hygiene and dietetics, in surgical, medical, obstetrical and practical nursing, and in the care and nursing of infants and children. Said board upon said applicant passing said examination to its satisfaction, shall cause the name of the applicant to be entered upon the reg-

ister kept for the purpose, and shall cause to be issued to said applicant a certificate of registration authorizing him or her to practice the profession of nursing as a registered nurse. Registered nurses from other States may be accepted without examination, upon furnishing satisfactory evidence to the Board of Examiners that they possess the qualifications embodied in this Act, or the equivalent thereof, and upon payment of registration fee of ten dollars (\$10.00).

Section 2. That Section 1189 of the Code of Alabama, 1923, be amended to read as follows: 1189. That all nurses graduating before October 1, 1917, be permitted to register without examination upon payment of registration fee. Nurses who are graduates of schools of nursing connected with a general hospital or sanitarium giving two years training and in which in other respects proper standards are maintained and who are engaged in professional nursing and have been engaged in nursing five years after graduation shall be entitled to registration without examination provided such application be made before October 1st, 1927.

Section 3. That Section 1190 of the Code of Alabama, 1923, be amended to read as follows: 1190. It shall be unlawful, after October 1st, 1927, for any person to practice professional nursing as a registered nurse without a certificate in this State. A nurse who has received his or her certificate according to the provisions of this Article shall be styled and known as "Registered Nurse." No other person shall assume the title "Registered Nurse" or any letters or figures to indicate he or she is a registered nurse.

Section 4. That Section 1193 of the Code of Alabama, 1923, be amended to read as follows: The words "General Hospital" as used in this article shall mean a hospital or sanitarium that maintains twenty or more beds for the sick and where general medicine, general surgery, obstetrics and the care and nursing of infants and children are practiced and taught. The standing and qualification of such general hospitals shall be approved or disapproved by the county medical society of the county in which said hospital is located, which approval or disapproval shall be approved by the state committee of public health. All students who attend these general hospitals of twenty beds or more shall affiliate with, and shall receive at least six months of their training in their senior year in a general hospital that has a daily average of fifty or more patients.

Section 5. That all laws or parts of laws in conflict with the above provisions of this Act be and the same are hereby repealed.

Approved September 2, 1927.

AN ACT

To amend an Act entitled An Act To prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act, approved October 1, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act entitled "An Act to prescribe the qualifications of persons who may hold the office of county superintendents of education in the several counties of the State; to regulate the employment or election of county superintendents of education, and to prescribe penalties for the violation of the provisions of this Act," approved October 1, 1923, be and the same is hereby so amended as to read as follows: Section 1. That no person shall be eligible for appointment by any county board of education or for political party nomination or for election to the office of county superintendent of education of any county who does not as now required hold an Alabama certificate in administration and supervision based as a minimum upon graduation from a standard normal school or equivalent education, with at least one year of additional study of college grade and proof of three years of successful teaching experience during the five years next preceding his appointment or election; provided that a person so appointed by the county board of education need not be a resident or qualified elector of the county in which he is to serve; and provided further that the academic and professional qualifications prescribed herein shall not apply to county superintendents of education in office at the time of the passage of this Act.

Section 1 1-2. Provided that the provisions of this bill shall not apply to counties of this State which now have or may hereafter adopt a local bill providing for the election of a County Superintendent of Education for their respective counties.

Section 2. That all laws and parts of laws, general, special or local, in conflict herewith be and the same are hereby repealed.

Section 3. That the provisions of this Act shall be effective on its approval by the Governor.

Approved September 6, 1927.

No. 512.)

(H. 1014. Anderson)

AN ACT

To repeal a local law enacted by the Legislature of Alabama, and approved on the 20th day of August, 1915, entitled "An Act to regulate the management, disposition and control of an endowment fund of ten thousand dollars given by The Sage Land and Improvement Company to the board of trustees of the high school located at Grove Hill, Alabama, to keep the building and grounds in repair and the equipment complete, the lands, buildings and equipment of said high school having heretofore been conveyed to the State of Alabama for high school purposes under the provisions of article 20 of chapter 41 of the Code of Alabama and the act approved April 8th, 1911, amendatory thereof, entitled 'An act to amend sections 1861, 1862 and 1863 of the Code of Alabama'.

WHEREAS, heretofore The Sage Land and Improvement Company, a corporation, did give to the board of trustees of the high school located at Grove Hill, Alabama, an endowment fund of ten thousand dollars, to be invested and the interest thereon used to keep the building and grounds in repair and the equipment complete, and

WHEREAS, the board of trustees of said high school located at Grove Hill, Alabama, have heretofore conveyed the lands, buildings and equipment of said high school to the State of Alabama for high school purposes under the provisions of article 20 of chapter 41 of the Code of Alabama and the act approved April 8th 1911, amendatory thereof, entitled 'An Act to amend Sections 1861, 1862 and 1863 of the Code of Alabama.' and

WHEREAS, the grantor of said endowment fund and said board of trustees agreed with the high school commission to turn said endowment fund over to the management and control of the State of Alabama in connection with said lands, buildings and equipment as soon as suitable legislation could be had for the management thereof;" and to authorize the transfer of said trust fund of ten thousand dollars from the State of Alabama to the County Board of Education of Clark County, Alabama:

Be it Enacted by the Legislature of Alabama:

Section 1. That the local law enacted by the Legislature of Alabama and approved August 20, 1915, entitled "An Act to regulate the management, disposition and control of an endowment fund of ten thousand dollars given by The Sage Land and Improvement Company to the board of trustees of the high school located at Grove Hill, Alabama, to keep the building and grounds in repair and the equipment complete, the lands, buildings and equipment of said high school heretofore been conveyed to the State of Alabama for high school purposes under the provisions of article 20 of chapter 41 of the Code of Alabama and the act approved April 8th, 1911, amendatory thereof, entitled 'An Act to amend section 1861, 1862, and 1863 of the Code of Alabama.'"

WHEREAS, heretofore The Sage Land and Improvement Company, a corporation, did give to the board of trustees of the high school located at Grove Hill, Alabama, an endowment fund of ten thousand dollars, to be invested and the interest thereon used to keep the building and grounds in repair and the equipment complete, and,

WHEREAS, the board of trustees of said high school located at Grove Hill, Alabama, have heretofore conveyed the lands, buildings and equipment of said high school to the State of Alabama for high school purposes under the provisions of article 20 of chapter 41 of the Code of Alabama and the act approved April 8th, 1911, amendatory thereof, entitled 'An Act to amend sections 1861, 1862 and 1863 of the Code of Alabama.' and

WHEREAS, the grantor of said endowment fund and said board of trustees agreed with the high school commission to turn said endowment fund over to the management and control of the State of Alabama in connection with said lands, buildings and equipment as soon as suitable legislation could be had for the management thereof;" be, and the same is hereby expressly repealed.

Section 2. That the auditor of the State is directed to draw his warrant for the sum of ten thousand dollars, together with accrued interest unpaid thereon, in favor of the County Board of Education of Clark County, Alabama.

Section 3. That said fund shall be received by said County Board of Education of Clark County, Alabama and expended by said Board for the benefit of the Clark County High School in such manner as it deems wise and proper.

Approved September 6, 1927.

No. 515.)

(H. 768. Goode

AN ACT

To authorize Drainage Districts and sub-districts thereof now, heretofore or hereafter created to issue bonds for the payment of indebtedness now, heretofore or hereafter incurred; to provide for the assessment or reassessment against the lands and other property in such districts, and to provide for the collection of costs and expenses of installing and maintaining of levees and drainage systems now, heretofore or hereafter created not to exceed the increased value of such lands by reason of special benefits derived from such improvements, and to provide for the selling of bonds therefor, original or refunding, not to exceed the increased value of the property by reason of special benefits derived from such improvements.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That all drainage Districts and sub-districts thereof now heretofore or hereafter organized under the general

laws of Alabama or districts whose corporate existence has been confirmed by the legislature of Alabama be and the same are hereby vested with power and authority to issue bonds for the payment of indebtedness now heretofore or hereafter incurred for the construction of drains, or drainage systems and to make original assessments or reassessments for the payment in whole or in part of the cost of such improvements against the land in such district to the extent of the increased value of such lands by reason of special benefits derived from such improvements.

Sec. 2. That when in the opinion of the "Board of Drainage Commissioners" in any drainage district heretofore or hereafter organized it is "necessary or desirable" that reassessments be made against the lands in said district not exceeding the increased value of such lands by reason of special benefits derived from improvements made in said districts for the payment of obligations for improvements then or theretofore made such "Board of Drainage Commissioners" or a Majority of them may make report of "necessity or desirability" to the Probate Court which report shall designate. (1). That in their opinion improvements have been made in the district that have increased the value of the lands therein by reason of special benefits derived from the improvements and (2) that there exist no valid and inforceable assessments against the lands benefited in said district or the validity of assessments or a part of the assessments made in said district are being contested by court proceedings, (3) and that no assessments made have been collected or that a substantial part of such assessments have not been collected (4) and that a survey and report on assessments by the drainage district engineer is on file in the office of the judge of Probate in said district, (5) a description of lands for which assessments have not been collected or secured (6) that in the opinion of said board it is desirable that reassessments be made against all property the assessments against which have not been paid or secured.

Sec. 3. Upon the filing of the report of "necessity or desirability" by the Board of Drainage Commissioners, it shall be the duty of the Probate Court to forthwith give notice thereof by personal service, or by causing Publication to be made as, herein-after defined, and in the event notice is given by publication, the following form shall suffice: Notice of proposed reassessment for Drainage District No..... Notice is hereby given to all persons interested in the following described land in..... Counties, Alabama: () that..... andas Drainage Commissioners for said drainage District have filed with the Probate Court a report designating the aforescribed lands as lands benefited by improvements made in said districts for which assessments previously made have not been paid or secured. That the same are subject to reassessments for the such improve-

ments not to exceed the increase value thereof by reason of benefits received from such improvements made in said district. The owners of said lands and each of you are hereby notified to appear at a term of the Probate Court to be held on the..... day of at o'clock A. M., P. M., in.....

County to show cause if any why the foregoing described lands should not be reassessed not to exceed the increased value of such lands by reason of special benefits derived from the improvements made as shown by the report of the engineer.

Sec. 4. The Court of Probate of the County in which said report is filed shall thereafter maintain and have original and exclusive jurisdiction coextensive with the boundaries and limits of said district without regard to county lines for all purposes of this act, subject, however, to the right of appeal to the circuit Court of the county in which the petition is filed.

Sec. 5. On the day appointed for the hearing the court shall hear and determine in a summary manner any objection that may be offered to the report of the engineer and the report of necessity or desirability by Board of Drainage Commissioners. The Court shall dispose of all objections to reassessments as justice and equity may require by findings duly entered of record and shall order and adjudge the lands benefited or to be benefited by such improvements. At the time of such hearing the Court shall also appoint a "Board of Viewers" consisting of 3 men who shall be disinterested owners of realty in the County or Counties involved. A majority of said Viewers shall constitute a quorum and shall control the action of the Viewers.

Sec. 6. The "Board of Viewers" so appointed shall within 10 days after their appointment go upon and view the tracts of land adjudged by the Court to be benefited by said improvements and shall ascertain and determine the increased value of each separate tract benefited by improvements. The board of viewers shall within 40 days after their appointment make report of their findings in writing to the court which report shall be in tabular form substantially as follows: Name of Owner/Description of Land/Acres Benefited/Value of Land before Improvement/Benefits to Land. Provided that mistake in name of owner shall not invalidate any assessment. Said report shall be signed by board of viewers or a majority of them.

Sec. 7. Immediately upon the filing of the report of the "board of Viewers" the probate court shall set a day for hearing thereof, which hearing shall not be less than 30 days, nor more than 40 days, thereafter, and the Court shall cause notice thereof to be given by publication to be made, and the following form of notice shall suffice: Notice of Filing of Report of Board of Viewers, and Hearing thereon for..... Drainage District. Notice is hereby given to all persons interested in the following

described lands or property in.....Counties, Alabama, to wit: And included in.....Drainage District, that the board of Viewers heretofore appointed to make reassessments of benefits to lands in said district have filed their report in this office and the.....day of.....is hereby set as the day for hearing the same. You and each of you are hereby notified that you may examine said report and on or before the date of hearing file exceptions to all or any part thereof as provided by law for filing exceptions to original assessments.—Judge of Probate.....County, Ala.

Sec. 8. On or before the day set for hearing of the final report of the board of viewers, the drainage district or any owner of land or other property in said district or any person having interest in said lands or other property within said district, may file exceptions to said report or to any reassessment therein. All exceptions shall be heard by the court and determined in a summary manner so as to carry out liberally the purpose and needs of the district, and if it appears to the satisfaction of the court, after having heard and determined all said exceptions that the lands described have been benefited by improvements made, the court shall approve and confirm the report of the "Board of Viewers," or modify same to conform to the benefits as determined on hearing and shall order that said report or report as modified be recorded; and such report as approved by the Court shall have the force and effect of a judgment decreeing and adjudging the amount of benefits accruing by reason of said improvements made.

Sec. 9. Any person aggrieved may within 10 days after confirmation of report of board of Viewers appeal from judgment of Probate court to Circuit Court of County wherein such district was organized and upon such appeal. The court shall consider the evidence and exceptions taken in the probate court which shall be reduced to writing and shall enter judgment according to the right of the cause and shall adjudge the benefits accrued to the land involved in the appeal. Where no exceptions have been made to report of board of Viewers as to any tracts described in said report within the time allowed, the court of probate shall confirm the report as made as to such lands as to which no exceptions have been filed.

Sec. 10. After the lists of lands and other property with reassessed benefits and the decree and judgment of confirmation of report of board of viewers has been filed as herein provided the board of drainage commissioners shall without unnecessary delay levy a tax of such portion of said benefits on all the lands and other property in the district to which benefits have been assessed as may be found necessary by the board of drainage Commissioners to pay the Costs and Expense of improvements

made in said district, which re-assessment for benefits received shall be the same proportion of such benefits as were the original assessments in said district paid, if any, were to benefits assessed. The Board of Drainage Commissioners as soon as the total tax is levied shall at the expense of the District prepare a list of all taxes levied on reassessments in the form of a well bound book which book shall be endorsed and named "Drainage Reassessment Tax Record of Drainage District..... County, Ala." which endorsement shall be printed or written at the top of each page of said book and said tax record shall be signed and certified by the president and secretary of the Board of Drainage Commissioners and attested by the Seal of the district and the same shall thereafter become a permanent record in the office of the Secretary of the Board of Drainage Commissioners and a copy thereof shall be filed in the probate office of each of the counties having lands in said district. For receiving and filing said record the Probate Judge shall receive a fee for \$1.00. The following form shall be sufficient reassessment drainage tax record: State of Alabama, County of.....) S. S. To the Court of Probate ofCounty, Alabama. This is to certify that by virtue and authority of law, the Board of Drainage Commissioners of Drainage District, in which are situated the lands and other property in the county (or counties) ofand State of Alabama, do hereby certify that the tax on reassessment authorized by law, and the land against which the same is levied, are described in the following tables, in which table are: 1. The names of the supposed owners of said land and other property. 2. The descriptions of said land and other property opposite the names of the said owners. 3. The amount of such tax levied against each tract of land or piece of property. (Here insert schedule as above including description of land and amount of tax and then complete record with the following:) The said tax shall be payable in not to exceed twenty annual installments, the amount of each installment as well as the amount of maintenance tax to be determined and certified to the tax collector of the county, not later than the first Monday in October of each year. The aforesaid tax and such maintenance tax as may be levied from time to time shall be a first lien equal in dignity with the lien for state and county taxes upon the land herein and therefore described and shall supersede and be in lieu of original assessment, the validity of which is disputed. Witnessed by the signature of the president of the Board of Drainage Commissioners of the said drainage district, attested by the seal of said district and by the signature of the Secretary of said Board of Drainage Commissioners, this day of, 19.....,President.Secretary. In case the taxes levied on reas-

assessment as herein provided together with original assessments paid or secured shall be insufficient for the payment of improvements as made, the Board of Drainage Commissioners may make, certify and provide for additional taxes as are necessary for such purpose not to exceed the benefits adjudged and such additional taxes shall apply to lands originally assessed as to those reassessed as herein authorized, provided, however, that the aggregate of all levies exclusive of maintenance taxes and taxes levied for interest on bonds shall not exceed the total benefits assessed and confirmed.

Sec. 12. The Board of Drainage Commissioners may apply the monies derived from taxes levied on property reassessed to the payment of any obligation of the District, legal or equitable, for which the district has received value and the proceeds of which have been used to carry out the general purposes for which the Drainage District was organized.

Sec. 13. Collection of taxes levied by drainage districts on reassessments and all installments thereof and all proceedings for the enforcement of said collections shall be in accordance with the general laws now or hereafter enacted in regard to the collection of taxes on original assessments by drainage districts and the enforcement thereof shall be in accordance with general laws in regard to the enforcement of original levy's.

Sec. 14. In case of reassessments made because of invalidity of assessments or because assessments originally made are being contested by Court proceedings and which assessments are to be in lieu of original assessments, such original assessments shall be conclusive evidence of the benefits and amounts thereof to be assessed against the land where parties against whom such reassessments are sought to be made had actual knowledge or notice of the time and place of hearing on original assessment and failed to contest same or failed to appeal from the judgment of the court as authorized by statutes under which such original assessments were made, unless fraud be shown in the procurement of judgment on the original assessments.

Sec. 15. All reassessments except reassessments made because of invalidity of original assessments or because original assessments are being contested in court proceedings and such reassessment is made in lieu thereof, shall be made substantially in accordance with general laws now or hereafter enacted in regard to original assessments and such reassessments may be enforced under the same procedure by which original assessments are enforced.

Sec. 16. The method of making reassessments herein authorized is not exclusive but is cumulative and any reassessment may be made and enforced by following substantially the proce-

dure authorized by law for the making and enforcing of assessments on behalf of municipal corporations.

Sec. 17. The term bonds as used in this act is intended to mean and include all or any bonds either original or refunding and whether issued before, at the time of or after the improvements are made and shall include bonds for improvements whether regularly or irregularly issued so long as the consideration therefor has been received and expended for levee or drainage purposes in accordance with general laws relating thereto and has been an amount authorized by law. The term assessments as herein used shall include all first or original assessments made against property in any drainage district now, heretofore or hereafter organized by law. The term reassessment, as herein used shall include all assessments except the first or original assessments against the property and also all assessments made because of the invalidity of previous assessments or because previous assessments are being contested by court proceedings. The term costs or costs and expenses of improvements shall include all or any of the following: engineering cost or cost of surveys, actual contract price for improvements, costs and expenses of Board of Viewers, expense incurred in organizing district, cost and expense of issuing bonds, costs and expenses of levying and collecting taxes and in general all legal expenses of the corporate organization in carrying out its corporate purpose. Notice by publication wherever referred to in this Act shall consist of publication once in each of three consecutive weeks (three insertions) in some paper having general circulation in the County or Counties wherein the land in the Drainage District is located, the last insertion to be made at least ten (10) days prior to the date fixed for hearing of said notice. When a District includes lands in two or more counties, such notice shall be published in each county, and it will be sufficient to set out only the lands in the county in which the notice is published. If there be no newspaper published in any county in which the lands included in any drainage district are situated, then such publication shall be made in a newspaper published in an adjoining county. It shall not be necessary for the notice to name the parties interested and the notice shall have all of the force and effect of a summons served personally on those owning land in the district.

Sec. 18. The Board of Drainage Commissioners and the Board of Viewers for making reassessments as authorized by this act shall receive the same compensation provided by law for making original assessments. In all cases a majority of such board shall constitute a quorum and the action of the majority shall control.

Sec. 19. The provisions of this act shall be liberally construed to promote the purposes for which the district was organized, and the rights and remedies herein given are cumulative and in addition to rights and remedies given by other laws now or hereafter enacted.

Sec. 20. If any section, clause or sentence of this act shall be held unconstitutional, the same shall not affect any other section, clause or sentence of such Act.

Approved September 6, 1927.

No. 517)

AN ACT

(H. 766. Goode

To ratify, confirm and validate the corporate existence and corporate powers of all drainage districts heretofore organized as bodies corporate under the statutes of Alabama providing for the creation of drainage districts and organizing them into corporations, but which statutes have been declared invalid.

Be it Enacted by the Legislature of Alabama: That whereas there has heretofore been enacted by the Legislature of Alabama certain statutes relating to the organization of drainage districts as bodies corporate and conferring powers on such corporate organizations; and Whereas such statutes have been held by the Supreme Court of Alabama to be invalid by reason of the taxing features thereof, and Whereas drainage districts were organized as bodies corporate under such invalid laws, and after the organization of said drainage districts as corporations they have proceeded to function as bodies corporate and have improved the lands within said districts by the establishment of drainage so as to promote the public health and general welfare, and have conducted business as bodies corporate and exercised the functions conferred upon them; and, whereas the public and different people have had business dealings with said drainage districts as bodies corporate and said drainage districts have made contracts as corporations with other persons and, Whereas all such dealings and transactions have been in good faith, relying upon the corporate existence of said drainage districts as being legally organized, now, therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That all drainage districts in the State of Alabama, and each of them, heretofore organized as corporations under the provisions of the statutes of Alabama providing for the drainage of farm, wet and swamp and overflowed lands and the organization of drainage districts as bodies corporate be and the same are hereby ratified, confirmed and declared to be valid

and subsisting corporations under the laws of Alabama from the date of their respective organizations; and each and all of said drainage districts as bodies corporate are hereby declared to be vested with all the powers of a public corporation, with the power to sue, to be sued and to incur debts and liabilities and obligations, and to exercise all other powers and functions granted unto drainage districts as bodies corporate under the laws of Alabama or that may hereafter be granted.

Section 2. *Be it Further Enacted* that those persons who were elected or appointed as members of the Board of Drainage Commissioners of each drainage district that may have heretofore been organized in Alabama be and are hereby declared to be and constitute Drainage Commissioners for each of such drainage districts as may have been organized under the laws hereinabove referred to; and said Board of Drainage Commissioners of each of said drainage districts respectively are hereby vested as of the date of their respective appointments with all the power and authority given to Boards of Drainage Commissioners of drainage districts under the general laws of Alabama as now existing or that may hereafter be enacted.

Section 3. *Be it Further Enacted* that if any section, clause or sentence of this Act shall be held unconstitutional, same shall not affect any other section, clause or sentence of this Act; it being the intention of the Legislature that this Act be construed liberally to confirm, ratify and validate the organization of all drainage districts heretofore organized as bodies corporate.

Approved September 9, 1927.

No. 520.)

(H. 1028. Tompkins

AN ACT

To prohibit whipping, flogging, beating or any assault by person or persons masked or having their faces concealed and to provide the penalty therefor.

Be it Enacted by the Legislature of Alabama:

Section 1. That any person or persons who, while masked or while their faces are hidden or partially concealed for the purpose of concealing themselves or their identity shall whip, flog, beat, or in any other way assault any person or persons shall be guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for not less than one year nor more than ten years, at the discretion of the Jury trying the cause.

Section 2. This Act shall go into effect immediately upon its approval by the Governor, the Public welfare demanding it.

Approved September 9, 1927.

No. 521)

(H. 797. Carter

AN ACT

For the relief of B. L. Marshall and to appropriate for the said B. L. Marshall the sum of fifteen hundred dollars, who was permanently disabled while on active duty with the highway department of the State of Alabama.

WHEREAS, B. L. Marshall, a citizen of the State of Alabama, was permanently disabled without any fault on his part, while on active duty with the highway department of the State of Alabama, on the 12th day of May, 1927, at Camp number Five, on the Norman Bridge Road, by being struck by a nail, which said nail was being driven by another employee and flew from the hammer of said employee and struck said B. L. Marshall in the eye, causing the loss of the sight in said eye permanently; and whereas, the said B. L. Marshall has been put to the expense of employing a doctor in the treatment of said eye, And, Whereas, there is no provision in the law, whereby he is entitled to recover compensation from the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Sec. (1) That from the Highway funds of the State of Alabama, there is hereby appropriated the sum of fifteen hundred dollars for the relief of the said B. L. Marshall.

Sec. (2) That immediately after the passage of said bill and its approval by the Governor, the State Auditor shall issue his warrant upon the State Treasury in favor of the said B. L. Marshall in the sum of fifteen hundred dollars.

Approved September 8, 1927.

No. 524.)

(H. 575. Hubbard

AN ACT

For the relief of S. M. Reeves, former Sheriff of Pike County, Alabama.

That whereas, S. M. Reeves, while Sheriff of Pike County, Alabama, on to-wit, the 22nd and 27th of September, 1919, did as such sheriff go to the State of Florida, and transport to Pike County, Alabama, Nathan Cartright and A. G. Odom, who had been indicted for the offense of Grand Larceny, and

WHEREAS, the said S. M. Reeves, expended the sum of Two Hundred Eighty-one and 41-100 dollars (\$281.41) in bringing to trial the said Nathan Cartright and A. G. Odom, and,

WHEREAS, he has never been reimbursed by the State of Alabama for said expenditures.

Be it Enacted by the Legislature of Alabama:

Section 1. That the sum of Two Hundred Eighty-one and 41-100 dollars (281.41) is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to the said S. M. Reeves, for transporting and bringing to trial Nathan Cartright and A. G. Odom, charged with the offense of Grand Larceny.

Section 2. That upon the approval of this act by the Governor, the State Auditor is directed to draw his warrant in favor of the said S. M. Reeves on the State Treasurer for the said sum of Two Hundred and eighty-one and 41-100 dollars (\$281.41)

Section 3. Provided, however, that the Governor, the attorney general and the State Auditor shall be and constitute a commission whose duty it shall be to ascertain how much is due, and shall make an award in writing to the governor as to the amount so due, and the Governor shall then in writing order the State Auditor to draw his warrant upon the State Treasurer for the amount ascertained to be due, and it shall be the duty of the State Treasurer to pay said warrant out of any money in the treasury not otherwise appropriated.

Approved September 10, 1927.

No. 526.)

(H. 765. Goode

AN ACT

To provide for refunding of money paid to drainage districts for bonds or securities issued by them under the provisions of an invalid Act or law and to provide for the raising of funds therefor.

Be it Enacted by the Legislature of Alabama:

Section 1. That in cases where any person, firm or corporation has purchased from any drainage district, existing under the laws of the State of Alabama or under color of authority purporting to be conferred by the Legislature of Alabama. bonds or securities issued by any drainage district, and has paid for such bonds or securities, and the law under which such bonds or securities were issued has been held invalid by the Supreme Court of Alabama, such person, firm or corporation or his or its assigns may have the funds or money so paid, with interest thereon at the rate stipulated in said bonds or securities from date of issuance, refunded on complying with the provisions and requirements of this Act in that regard.

Section 2. Any person, firm or corporation entitled to the benefits of Section 1 of this Act and desiring to obtain relief hereunder, may file an application with the Treasurer of such

drainage district stating the facts upon which relief is sought, verified by his or its affidavit or that of a duly authorized agent or representative, having knowledge of the facts, and when such application is filed it shall become the duty of the Board of Drainage Commissioners to ascertain from the records of the Treasurer or other records whether the facts are correctly set forth in the application, and if it shall be made to appear to the satisfaction of the Board of Drainage Commissioners that the applicant holds bonds or securities for which funds or money were obtained by the drainage district under circumstances named in Section 1 of this Act, the Board of Drainage Commissioners shall approve the claim of such applicant and upon such approval by the Board of Drainage Commissioners, the Treasurer shall draw a warrant for the payment to such person, firm or corporation of the amount of the face value of such bonds or securities, together with interest thereon at the rate of interest said bonds or securities purported to bear from the time said funds or money were paid on said bonds or securities to the drainage district.

Section 3. In case said drainage district shall be without funds or shall have insufficient funds to refund monies obtained under the circumstances set forth in this Act, then and in that event the Board of Drainage Commissioners of said drainage district may levy assessments or reassessments on the property benefited in said district by the funds for which such invalid bonds were issued, such assessments or reassessments to be made as provided by laws now or hereafter enacted; and when such assessments or reassessments are made, the collection and enforcement of the payment of such assessments or reassessments shall be under and in accordance with the laws now or hereafter applicable to drainage districts in Alabama; and for the enforcement of the payment of such assessments or reassessments all laws applicable to the enforcement of original assessments or reassessments shall be effective and enforceable.

Section 4. Be it further enacted that all laws or parts of laws, general or special, in conflict with this Act are hereby repealed in so far as same affect the operation of this Act.

Section 5. Be it further enacted that if any section, clause or sentence of this Act shall be held unconstitutional, same shall not affect any other section, clause or sentence of this Act, it being the intention of the Legislature that this Act be construed liberally to protect innocent purchasers of bonds or securities issued for value and under color of authority of law.

Approved September 9, 1927.

No. 527.)

(H. 1035. Hawkins)

AN ACT

To provide for and submit to the qualified electors of the State of Alabama at an election to be held at the next general election, after the final adjournment of the present session of the Legislature, an amendment to the constitution of Alabama as follows: "The Board of Revenue of Jefferson County or other governing body of said county, in addition to the taxes it is now authorized and empowered to levy and collect, shall levy and collect annually a tax of not more than one-tenth of one percentum upon the value of the property therein as fixed for State taxation, to be applied exclusively to the purchase, construction, equipment, repair, operation and maintenance of a charity hospital or hospitals for the care and treatment of indigent persons; to provide for notice of said election; to prescribe the form of ballot; for the canvassing of the returns and to prescribe the method whereby the result of said election shall be known and to further prescribe for the expense of said election."

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration at an election to be held at the next general election after the final adjournment of the present session of the Legislature, at which this amendment is proposed, to-wit: The Board of Revenue of Jefferson County or other governing body of said county, in addition to the taxes it is now authorized and empowered to levy and collect, shall levy and collect annually a tax of not more than one-tenth of one per centum upon the value of the property therein as fixed for State taxation, to be applied exclusively to the purchase, construction, equipment, repair, operation and maintenance of a charity hospital or hospitals for the care and treatment of indigent persons.

Section 2. That it shall be the duty of the Governor of the State of Alabama, to give notice, by proclamation, of the fact that such election will be held on the day hereby appointed for action by the electorate upon the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration; and such proclamation shall also set out the proposed amendment. The said proclamation shall be published in one newspaper in each county in the State for at least eight successive weeks next preceding the day hereby appointed for the said election.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State of Alabama, for their consideration, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election, there shall be printed the following: "Shall the following be adopted as an amendment to the constitution of the

State of Alabama:" "The Board of Revenue of Jefferson County or other governing body of said county, in addition to the taxes it is now authorized and empowered to levy and collect, shall levy and collect annually a tax of not more than one-tenth of one per centum upon the value of the property therein as fixed for State taxation, to be applied exclusively to the purchase, construction, equipment, repair, operation and maintenance of a charity hospital or hospitals for the care and treatment of indigent persons. Following the proposed amendment on the ballot shall be printed the word "yes" and immediately under that shall be printed the word "no". The choice of the elector shall be indicated by a cross-mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers who hold such election shall be the same and shall be appointed in the same manner and by the same officials as provided by the general election laws of the State of Alabama for the appointment of officers and the holding of general elections in this State, and the election shall be held under and in all things governed by and had in accordance with the constitutional provisions touching amendments to the Constitution of Alabama, and the general election laws of the State of Alabama.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the Secretary of State in the same manner as in elections of representatives to the legislature; and if it thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment, voted in favor of the same, such amendment shall become a part of the Constitution of Alabama, and shall be in all its intents and purposes valid as such part of the Constitution.

Section 6. The result of such election shall be made known by proclamation of the Governor.

Section 7. The expenses of the election herein provided for and the costs of the publication of the notices, shall be paid out of the State Treasury in the same manner that the expenses of general elections are paid.

Approved September 9, 1927.

No. 528.)

AN ACT

(H. 963. Simpson

To propose an Amendment to the Constitution of Alabama authorizing the County of Jefferson, in addition to the taxes which it is now authorized and empowered to levy and collect, to levy and collect annually a tax of not more than one-tenth of one per centum upon the value of the property therein as fixed for State taxation, to be applied exclusively

to the purchase, construction, equipment, repair, operation and maintenance of a hospital or hospitals for the care and treatment of persons afflicted with tuberculosis, and for the prevention of tuberculosis.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following Amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment, and the day hereby appointed for such election is the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this Amendment is proposed. The proposed Amendment is to add a new section as follows: Article XI. Section 215-A. In addition to the taxes which the County of Jefferson is now authorized and empowered to levy and collect, said County, through its Board of Revenue or other governing body, shall levy and collect annually a tax of not more than one-tenth of one per centum upon the value of the property therein as fixed for State taxation, to be applied exclusively to the purchase, construction, equipment, repair, operation and maintenance of a hospital or hospitals for the care and treatment of persons afflicted with tuberculosis, and for the prevention of tuberculosis. This section shall be self-operative without any additional legislation.

Section 2. Notice of the election hereby ordered, together with the Amendment hereby proposed, shall be given by proclamation of the Governor, which shall be published in one newspaper in each county of the State once a week for eight successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the treasury of the State in the same manner as the expenses of other elections are paid.

Approved September 6, 1927.

No. 529)

AN ACT

(H. 627 Rogers of Mobile

To fix the compensation of tax assessors, in counties of more than one hundred thousand population and less than one hundred and fifty thousand population, according to the last Federal census or any subsequent Federal census; for assessing special county and district taxes now or hereafter levied for public school purposes.

Be it Enacted by the Legislature of Alabama:

Section 1. That in counties of more than one hundred thousand population and less than one hundred and fifty thousand

population, according to the last Federal census, or any subsequent Federal census, no fees nor commission shall be allowed to tax assessors for assessing special county and district taxes, levied for public school purposes; but in lieu thereof the tax assessor, in such counties, shall be paid, by the tax collector in such counties, the sum of one thousand dollars, which is provided by law to be retained by the tax collector for the tax assessor; provided, however, that this act shall not take effect until the expiration of the terms of office of the tax assessors, in such counties, elected at the general election in November, 1926.

Section 2. That all laws and parts of laws in conflict herewith, are expressly repealed.

Approved September 6, 1927.

No. 532)

(H. 628. Rogers of Mobile

AN ACT

To fix the compensation of tax collectors, in counties of more than one hundred thousand population and less than one hundred and fifty thousand population according to the last Federal census or any subsequent Federal census, for collecting special county and district taxes now or hereafter levied for public school purposes.

Be it Enacted by the Legislature of Alabama:

Section 1. That in counties of more than one hundred thousand population, and less than one hundred and fifty thousand population, according to the last Federal census or any subsequent Federal census, no fees nor commissions shall be allowed to tax collectors for collecting special county and district taxes now or hereafter levied for public school purposes, but in lieu thereof the tax collector in such counties shall receive a lump sum of one thousand dollars which shall be retained by him from the taxes so collected by him. The tax collector shall also retain, from such taxes so collected, one thousand dollars as compensation to be paid to the tax assessor for his services rendered in assessing such taxes, and the tax collector shall pay over to the tax assessor the said sum of one thousand dollars so retained by the tax collector for the tax assessor; provided however, that this Act shall not take effect until the expiration of the terms of office of the tax collectors, in such counties, elected at the general election in November, 1926.

Section 2. That all laws and parts of laws in conflict herewith, are hereby expressly repealed.

Approved September 6, 1927.

No. 534)

(H. 950. Grove

AN ACT

Providing that in all cities in the state having a population of not less than sixty-five thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, the governing bodies of such municipalities shall assess and collect the sum of fifty cents additional on all license fees exacted by said municipality amounting to less than seven dollars and fifty cents per annum, and the sum of one dollar additional on all license fees exacted by said municipality amounting to seven dollars and fifty cents or more per annum, and shall pay the proceeds of such additional license into the "Municipal Employees Pension and Relief Fund" of such municipality.

Be it Enacted by the Legislature of Alabama:

Section 1. In all cities in this state having a population of not less than sixty-five thousand and not more than one hundred and fifty thousand, according to the last or any subsequent Federal census, the governing bodies of such municipalities shall assess and collect the sum of fifty cents additional on all license fees exacted by said municipality amounting to less than seven dollars and fifty cents per annum and the sum of one dollar additional on all license fees exacted by said municipality of seven dollars and fifty cents or more per annum, and shall pay the proceeds of such additional license into the "Municipal Employees Pension And Relief Fund" of such municipality.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall take effect from and after the date of its approval by the Governor.

Approved September 6, 1927.

No. 537)

(H. 473. McAdory

AN ACT

To authorize and regulate the organization of Fraternal Benefit Societies Into Stock Life Insurance Companies or Mutual Life Insurance Companies.

Be it Enacted by the Legislature of Alabama:

Section 1. Any fraternal benefit society organized and transacting business under the laws of this State may convert itself into a stock life insurance company or a mutual life insurance company, which may be a continuation of such society under an amended charter if such society be then incorporated, or a new corporation formed for such purpose if such society be then unincorporated. In either event, the conversion of such society

into a stock life insurance company or a mutual life insurance company shall be effected in the manner following.

Section 2. A notice shall be mailed by registered mail to all of the subordinate lodges or branches of the society, by whatever name called, at least ninety days before the meeting of the supreme governing or legislative body at which such action is proposed to be taken, which notice shall state that a proposal will be made at said meeting to convert the society into a stock life insurance company or a mutual life insurance company.

Section 3. Pursuant to said notice, the supreme governing or legislative body shall adopt a resolution authorizing the conversion of the fraternal benefit society into a stock life insurance company or into a mutual life insurance company, as the case may be, and shall ratify a certificate of incorporation, if the society be then unincorporated, or amend the society's certificate or articles of incorporation, if it be then incorporated, which certificate of incorporation so adopted or which certificate or articles of incorporation as amended, shall set forth: (1) the name of the converted society, which may be a new name or the name by which it has formerly been known; (2) the object of the corporation; (3) the location of its principal office; (4) if a new corporation, the names and addresses of the incorporators; (5) the names and addresses of the officers and directors who will serve for the ensuing year and until their successors are elected and qualified; (6) the period, if any, limited for the duration of the corporation; (7) if the society convert itself into a stock life insurance company, the amount of the total authorized capital, the number of shares into which it is divided, the amount of stock to be immediately paid in, which shall be not less than One Hundred Thousand Dollars (\$100,000.00); (8) any other provisions which the supreme governing or legislative body may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation, provided that such provision be not inconsistent with this article or the laws of this state. Said supreme governing or legislative body shall enact such by-laws as may be necessary and proper and which may be a reenactment of the laws of the society or any modification thereof.

Section 4. The certificate of incorporation so adopted, or the amendment to the society's certificate or articles of incorporation, as the case may be, shall be filed for record and recorded and fees shall be paid thereon, in accordance with the general corporation law of this State.

Section 5. A report of said meeting, certified by the presiding officer thereof, under the corporate seal, if the society have a corporate seal, shall be filed in the office of Superintendent of Insurance.

Section 6. If such fraternal benefit society be converted into a stock life insurance company, each and every policy holder, certificate holder, or other person insured by it, shall have the exclusive right, for ninety (90) days after the conversion is complete, to subscribe for that proportion of the total stock offered for sale which the amount of his insurance bears to the society's total insurance in force at the time of the conversion.

Section 7. When such fraternal benefit society shall have complied with the provisions of this act and with the laws of this State relating to domestic stock life insurance companies or domestic mutual life insurance companies, as the case may be, and shall have received from the Superintendent of Insurance a certificate of authority as prescribed by law to transact business in this State as a stock life insurance company or a mutual life insurance company, its reorganization and conversion into such stock life insurance company or mutual life insurance company shall be complete. Such reorganized and converted corporation shall be deemed in law to be a continuation of such fraternal benefit society, whether the reorganization and conversion shall have been accomplished by the formation of a new corporation or by the amendment of the certificate of incorporation of the former society; and such reorganized and converted corporation shall succeed to and become invested with all and singular the rights, privileges, franchises, and all property, real, personal or mixed, and all debts due on any account, and all other things in action, theretofore belonging to such fraternal benefit society; and all property, rights, privileges, franchises, and all and every other interest, shall thereafter be as effectually the property of such reorganized and converted corporation as they were of the former fraternal benefit society; and the title to any real estate, by deed or otherwise vested in such former fraternal benefit society, shall vest in such reorganized and converted corporation and shall not in any way be impaired by reason of the conversion.

Section 8. Rights of creditors, and all liens upon the property of the former fraternal benefit society, shall be preserved unimpaired, and the former fraternal benefit society shall be deemed to continue in existence in order to preserve the same; and all debts, liabilities and duties of the former fraternal benefit society shall thenceforth attach to the reorganized and converted corporation and may be enforced against it to the same extent as if said debts, duties and liabilities had been incurred or contracted by it.

Section 9. Such reorganized and converted corporation shall be obligated to carry out and perform all of the obligations of every kind and character owing by the former fraternal benefit society to the holders of its policies or beneficial certificates, and the same may be enforced against it to the same extent as if

said policies and beneficial certificates had been issued by it after such conversion. Any pending suits wherein the former fraternal benefit society was a party shall be unaffected by the conversion thereof and shall be prosecuted by or against such reorganized and converted corporation the same as if the conversion had not taken place.

Section 10. All laws and parts of laws in conflict with this Act are hereby repealed.

Approved September 6, 1927.

No. 539.)

AN ACT

(H. 1026. Tunstall

To further provide for the taxation of persons, firms and corporations doing a telegraph or telephone business or that of operating express companies in the State of Alabama:

Be it Enacted by the Legislature of Alabama:

Section 1. Any person, firm or corporation engaged in the telegraph or telephone business or that of operating an express company and doing intrastate business in this State who pays a license or privilege tax to or for the use of the State of Alabama under any then existing law, shall have the right to credit the amount so paid to or for the use of the State against any other license or privilege tax which may be assessed against such person, firm or corporation for the use of the State under any other law now or hereafter enacted by authority of the Legislature of this State; provided, however, that if the license or privilege tax paid by such person, firm or corporation be greater than the tax against which such credit is to be allowed, such person, firm or corporation shall pay the larger of the two amounts.

Section 2. All laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved September 9, 1927.

No. 541)

AN ACT

(H. 717. Martin

To designate the Goldenrod as the State Flower of Alabama.

Be it Enacted by the Legislature of Alabama:

1. The Goldenrod is hereby designated the State flower. 2. This Act shall take effect upon its approval by the Governor.

Approved September 6, 1927.

No. 542)

(H. 718. Martin

AN ACT

To designate the bird commonly called the Yellowhammer as the State Bird.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That the bird commonly called the Yellowhammer is hereby designated the State Bird..

Sec. 2. This Act shall take effect upon its approval by the Governor.

Approved September 6, 1927.

No. 543.)

(H. 774. Cockrell

AN ACT

To designate a certain road of Alabama as a State Trunk Road.

Sec. 1. *Be it Enacted by the Legislature of Alabama:* That the following road is hereby designated a State Trunk Road, described as follows: Beginning at Ashland, Alabama, running in a southeasterly direction via Mellow Valley to LaFayette, Alabama.

Approved September 9, 1927.

No. 544)

(H. 459. Ward of Tuscaloosa

AN ACT

To amend Section 1464 of the Code of Alabama

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1464 of the Code of Alabama be, and hereby is, amended so as to read as follows: 1464. The Partlow State School for Mental Deficients Established—There is created and established upon or near the grounds of the Bryce Hospital, near Tuscaloosa, Alabama, a school and home for mental deficients or inferiors as they may be hereinafter defined, and to be known as The Partlow State School for Mental Deficients.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be, and hereby are, repealed.

Approved September 6, 1927.

No. 545.)

(H. 385. Goodwyn

AN ACT

To provide for the compilation, printing and binding, distribution and sale of a full, complete and accurate index to the four volumes of the Code of Alabama, of 1923, and the General and Local Acts of the Legislature of 1927, and to appropriate sufficient funds to pay the expenses incurred therein.

Be it Enacted by the Legislature of Alabama:

Sec. 1. That the Supreme Court of the State of Alabama, is hereby authorized, empowered and directed to select and appoint a competent person to be called and designated Index Commissioner whose duty it shall be to compile a full, complete and accurate index to the four volumes of the Code of Alabama of 1923:

Sec. 2. Such Index Commissioner shall compile a full, complete, accurate and systematic index to the four volumes of the Code of Alabama of 1923, in alphabetical arrangement of all the various subjects contained therein, and each subject and section shall be thus indexed, and said index shall also contain a word index referring to and using the word ordinarily used expressive of the subject treated, and each reference shall be to the various sections of the Code and the pages thereof, separately; the figures designated sections and those referring to pages being the different type.

Sec. 3. The Secretary of State shall supply the said index Commissioner with stationery necessary to the preparation of said index and with the four volumes of the Code of Alabama of 1923:

Sec. 4. In case such Index Commissioner shall die, resign or for any reason become unable to execute the duties herein required, then the State Official herein authorized to appoint the original Index Commissioner is hereby authorized and empowered to select and appoint his successor, and such person, when so appointed, shall have all the rights and powers and be required to execute the duties herein imposed upon the original Index Commissioner:

Sec. 5. The Index Commissioner shall submit to the said Supreme Court of Alabama, for its approval, the general method and form of index; but, the said court shall not be required to verify the references, the Index Commissioner being responsible for the accuracy thereof;

Sec. 6. There shall be printed and bound under specifications and contract made and let by the State Board of Administration, a sufficient number of volumes of such index to supply the demand, and copies thereof shall be furnished free of charge to the State and county officials of the State of Alabama who are now

entitled to receive free of charge the Code of Alabama. The State Board of Administration shall also fix the price at which said index shall be sold and the amounts realized from the sale thereof shall be paid into the general fund of the State Treasury of the State of Alabama;

Sec. 7. The Index Commissioner shall receive from the State of Alabama for his services a sum not to exceed Three Thousand (\$3,000.00) Dollars, to be fixed by the Supreme Court, and which sum shall be payable at the time and in such amounts of installments as may be prescribed by the Chief Justice of the Supreme Court of Alabama who shall draw his warrants in favor of said Index Commissioner on the State Treasury of the State of Alabama accordingly. No additional sum shall be allowed or paid to such Index Commissioner for clerical or other assistance:

Sec. 8. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of said Three Thousand (\$3,000) Dollars, the compensation for said Index Commissioner and to be paid out as prescribed in Sec. 7 of this Act; and also, such further and additional sum as may be required by the said State Board of Administration for the printing and binding of said index.

Sec. 9. The Index Commissioner shall superintend the publication and editing of the index herein provided for, and shall read the proof and compare the same with the original manuscript filed with the Supreme Court of the State of Alabama.

Sec. 10. In case the Index Commissioner shall die, resign or from any cause become unable to execute the duties herein required, without having received compensation for the work performed by him in this behalf, then the value of such work shall be ascertained and declared by the State Board of Administration and the sum due therefor be paid to said Index Commissioner or his personal representative as the case may be, by the Supreme Court as provided in Section 7 of this Act. The Index Commissioner herein provided for shall also, in the manner herein provided, prepare a full, complete and accurate index to the general and special acts of the Legislature of Alabama of 1927, which index shall be, by said Commissioner, presented to the printer or publisher who shall print and bind said general and special acts of the Legislature of Alabama of 1927, and which said index to the said acts of the Legislature shall be incorporated as a supplement to the index to the Code of Alabama herein provided for, and published as a part of said Code index:

Sec. 11. This Act shall be effective immediately upon its approval by the Governor.

Approved September 10, 1927.

No. 546)

(H. 682. Jordan of Etowah

AN ACT

To permit cities to adopt a city manager form of municipal government, to prescribe the manner by which the same may be adopted, provide for the elective officers, their terms of office and their powers and duties.

Be it Enacted by the Legislature of Alabama:

Section 1. That in Cities and towns of not less than Ten Thousand and fifty population and not more than Fifteen Thousand population according to the 1920 Federal Census, when a petition is signed by a number of qualified electors equal to three for each one hundred inhabitants in any city according to the last Federal census shall be presented to the Probate Judge of the County in which such city is situated asking that an election be held in such city for the purpose of submitting to a vote of the qualified electors thereof the question of adopting the City Manager form of government, the Probate Judge shall examine the same and if he shall determine that it is signed by the requisite number qualified electors, he shall within ten days certify this fact to the Mayor of said city or the president of the Board of Commissioners, as the case may be. The certificate of the Probate Judge as to the sufficiency of the petition shall be conclusive;

Section 2. The Mayor or President of the Board of Commissioners, upon the receipt of such certificate from the Probate Judge, shall by proclamation submit the question of organizing the city under the City Manager plan of city government, as herein provided, at a special election to be held at a time specified therein, within forty days from the receipt of such certificate, and notice of such election shall be given by publication for two successive weeks in a newspaper in such city;

Section 3. At such election the ballot shall have printed thereon: "Shall the City of (name of city) adopt the City Manager form of City Government?" Yes.....No....." The voter shall make a cross mark before or after the word which expresses his choice. Said election shall be conducted, the vote canvassed and the result declared in the same manner as is provided by law for other municipal elections. If the majority of the votes are in favor of the City Manager form of government, the result shall be entered upon the Minutes of the City, and a certificate of the result shall be filed with the Probate Judge of the county;

Section 4. The existing municipal officers of such city shall continue to hold office and perform their duties under the existing law until their terms expire succeeding the adoption of the City Manager plan of municipal government herein provided, and on the third Monday in September next after the expiration

of the terms of office of existing municipal officers after the adoption of said form of government the qualified electors shall elect a Mayor and five aldermen from the city at large. The Mayor shall hold office for four years, and two aldermen shall hold office for four years, and these two shall be selected by lot at the first meeting of the council after their election and their names recorded on the minutes as the two who shall serve for four years, and the other three aldermen shall hold office for two years, and thereafter the Mayor and aldermen shall be elected for a term of four years and they shall take office on the first Monday in October after their election;

Section 5. The Mayor and Aldermen shall serve without compensation and shall constitute the governing body of the city, and shall hold meetings which shall always be open to the public twice each month, and special meetings at the call of the Mayor or two of the Aldermen, and four of their number shall constitute a quorum. The Mayor shall preside at all meetings of the Board, but shall not vote except in case of a tie, and he shall perform such other duties as the Board may require, and may act as City Recorder for the trial of violations of the city ordinances, and if required to so act shall receive such compensation for this service as the Board may provide;

Section 6. The Board of Mayor and Aldermen of the city shall have all the rights and perform all the duties provided by the laws of this state for the regulation and control of municipal corporations in this state and in accordance therewith, except as herein otherwise directed. It shall adopt all ordinances and resolutions necessary for the government of the city, and all existing ordinances shall remain in effect until changed or repealed. The Board shall elect a City Clerk and City Treasurer and shall fix their salaries and term of office. They shall, as soon as practicable, elect a City Manager who need not be a resident of the City, who, under the Board, shall have control of municipal affairs of the City, shall employ and discharge at his pleasure all employees of the city other than the City Clerk, City Attorney and City Treasurer and City Recorder, fix their salaries and see that they faithfully discharge their duties, and devote all his time to the service of the city, and he shall receive such salary as the Board may prescribe, and by two-thirds vote of the Board of Mayor and Aldermen may be discharged at any time. The City Manager shall file a report monthly with the City Clerk showing the expenditures authorized by him, and shall make and present to the Board on the first regular meeting in October of each year a budget of receipts and expenditures for the succeeding year, for their consideration. The Board shall adopt a budget which shall be within the estimated receipts, and the City Manager shall see that the expenditures are kept within

the sum allowed thereby. The City Manager shall not receive any money due the city, but he shall approve all bills and vouchers which shall be presented and allowed by the Board and thereafter paid as they may provide.

Section 7. Any qualified elector may become a candidate for Mayor or Alderman of said city by filing a declaration of his candidacy with the City Clerk thirty days before any election, and when a petition signed by at least one person for each hundred inhabitants of the city requesting the name of any qualified elector be placed on the ballot in the election for Mayor or Alderman of the city, such name or names and those declaring their candidacy shall be printed on the official ballot to be used at any election. Every person elected shall, before taking office, take an oath to faithfully perform the duties of this office to the best of his ability, which may be administered by the retiring Mayor or any one authorized to administer oath. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved September 9, 1927.

No. 547.)

(H. 862. Merrill

AN ACT

To authorize and create an additional judge of the Seventh Judicial Circuit of Alabama and to provide for his election, jurisdiction, powers, authority and qualifications, to render him liable to all the pains and penalties of the other Circuit Judges of the State, and to provide for the salary of said Judge.

Be it Enacted by the Legislature of Alabama:

Section 1. That there shall be, and there is hereby authorized and created an additional judge of and for the Seventh Judicial Circuit of the State of Alabama., who shall be appointed by the Governor of Alabama, within thirty days after the passage and approval of this Act, whose term of office shall begin upon the qualifications of such appointee, and who shall hold office until the next general election for any State offices and until his successor shall have been elected and qualified; that thereafter such additional judge shall be elected at the same time and for the same term of office as other circuit judges are elected in the state.

Section 2. That said additional judge shall have and exercise all the jurisdiction, powers, rights, and authority and shall possess all the qualifications, and may perform all the duties that the other circuit judges of the State of Alabama may exercise, shall possess or may perform, and he shall be liable to all the pains and penalties of said other circuit judges of the State.

Section 3. That the salary of said additional judge of said Seventh Judicial Circuit shall be the same as is paid to the other circuit judges by the State of Alabama. The said additional judge shall be known and designated as the Associate Judge of said circuit, and the present judge shall be the Presiding Judge of the Circuit. After the expiration of the term of the present Judge, the two judges of said circuit may designate by entry on the minutes of the several courts of said circuit which of the judges of the circuit shall be the Presiding Judge and which the Associate Judge of the Circuit. If the judges do not so designate a Presiding Judge within thirty days after such judges qualify, the Chief Justice shall designate the Presiding Judge and Associate Judge of the Circuit. The two judges of said circuit shall alternate in presiding over the several courts of said circuit.

Section 4. That the two judges of said circuit shall not be qualified electors of the same County at the time of the appointment of the judge created by this Act, or at the time of the election of said judge.

Approved September 6, 1927.

No. 548.)

AN ACT

(H. 405. Moxley)

To further define the business of mutual aid, benefit and industrial insurance companies or associations.

Be it Enacted by the Legislature of Alabama:

Section 1. That all mutual aid, benefit and/or industrial insurance companies and/or associations shall be required for the better protection of the policy holders and members of such companies and/or associations to comply with all of the laws now governing such companies and associations, and the following are hereby declared to be mutual aid, benefit and industrial insurance companies or associations: All companies or associations, whether voluntary or incorporated under the laws of this state or any other state, and all individuals, firms or co-partnerships doing in this state a business of issuing certificates or policies to and/or agreements with their members or policy holders to provide dental, medical or surgical attention, to provide hospital service and/or attention of any kind to such members and/or policy holders or to others dependent upon such member and/or policy holder or beneficiary designated by such member and/or policy holder, which service, attention or aid promised is provided from donations, fees, dues and/or assessments, are hereby declared to be mutual aid, benefit and/or industrial companies or

associations. Provided, however, that nothing herein contained shall prevent agreements by and between industrial corporations and hospitals to provide for dental, medical and surgical attention for the employees of such industrial corporations; and provided further that nothing herein contained shall prevent the employment of medical doctors and surgeons for the purpose of giving medical and surgical attention to the employees of such corporation.

Section 2. All companies or associations coming within the provisions of this act shall within thirty days after its approval be required to secure from the Bureau of Insurance a license as a mutual aid, benefit or industrial insurance company or association, and shall be required to comply with all the provisions of law governing such companies and/or associations.

Section 3. If any mutual aid benefit or industrial insurance company or association fails or refuses to comply with the provisions set out in their insurance policy or certificate to the insured they shall be guilty of a misdemeanor and upon conviction shall be fined not less than Two Hundred Dollars (\$200) nor more than Five Hundred Dollars (\$500) for each such offence and may in addition have their license revoked.

Section 4. The provisions of this act shall become effective upon its approval by the Governor.

Approved September 9, 1927.

No. 549)

AN ACT

(H. 770. Tunstall

To authorize the Payment of Taxes which may be in Litigation, and the Refunding of such Taxes as may be ascertained to be erroneously or illegally paid.

Be it Enacted by the Legislature of Alabama:

Section 1. Whenever the amount or validity of any tax which may be levied against any tax payer or his property, whether the same be an ad valorem tax, privilege tax, franchise tax, or other tax, is in litigation, the tax payer may, pending such controversy or litigation, elect to pay the tax under protest and upon such election and the payment of such tax, the officer of the State or County receiving the same shall note on the receipt that said tax is paid under protest or pending litigation.

Section 2. The payment of the tax as provided in Section 1 in this Act shall not affect the right to test and determine the validity or amount of said tax in any manner provided by law, and the proceeding to determine the validity of said tax shall proceed as if said tax had not been paid, but upon proof of pay-

ment of said tax before the court in which said action may be pending, the fact of payment shall be ascertained and recited in the judgment, and if the tax shall have been paid in full, no execution shall issue against the tax payer except for such costs as the tax payer may be liable for, and in the event it shall be determined and adjudged that the tax so paid was invalid in whole or in part or excessive in amount, the court hearing said proceeding shall so ascertain and determine, and by its judgment or decree shall fix the amount of the tax which was invalid, or which was excessive, and thereupon upon the presentation of a certified copy of the judgment to the State Auditor, it shall be the duty of the State Auditor to draw his warrant on the State Treasurer in favor of such tax payer for such an amount as the judgment of the court shall ascertain and declare has been erroneously paid to the State, and such warrant of the State Auditor shall be payable out of any funds in the State Treasury not otherwise appropriated.

Section 3. Upon the presentation of a certified copy of such judgment to the Board of Revenue, or other governing body of any County which may have received any part of said tax erroneously paid, as determined by the judgment, it shall be the duty of the said Board of Revenue or other governing body of the County to draw its warrant on the County Treasurer in favor of the tax payer for such amount of said tax as may have been erroneously paid to the County.

Approved September 9, 1927.

No. 550.)

(H. 488. Simpson

AN ACT

To further regulate the trial of causes, the introduction of evidence, and objections and exceptions thereto.

Be it Enacted by the Legislature of Alabama:

Section 1. That in the examination of witnesses and the introduction of evidence in the trial of causes in the courts of Alabama, it shall not be necessary to state or disclose to the court the substance of the anticipated answer of the witness or of the evidence sought to be introduced by the question in order to put the court in error in his ruling on objection to the question, unless the court requests that counsel disclose to the court the evidence sought by the question.

Sec. 2. Where there is an objection to a question propounded to a witness in the trial of any cause, and the objection is overruled and exception reserved, it shall not be necessary to

make a motion to exclude the answer of the witness in order to put the court in error on his ruling on such objection.

Sec. 3. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Approved September 9, 1927.

No. 551.)

(H. 595. Simpson

AN ACT

To amend Section 6693 of the Code of Alabama of 1923

Be it Enacted by the Legislature of Alabama:

That Section 6693 of the Code of Alabama of 1923 be and the same is hereby amended so as to read as follows: 6693. CLAS-SIFICATION AND ARRANGEMENT OF CASES: The pre-siding judge shall classify the cases and assign those of one class to one docket and those of another class to another docket, and shall assign all appeal and certiorari cases in which no jury is demanded, to the docket of cases to be tried without a jury, and shall take care to so arrange the dockets as that every judge may have a docket on which there are enough cases to occupy his full time for the week, and that no more cases are set for any judge to try than he can properly try, or dispose of; provided however, that in circuits now having or which may hereafter have as many as ten judges that the judge of the tenth division shall have the power and authority to set the docket of cases to be tried by such judge of such tenth division, and it shall be the duty of such judge in setting such docket to give preference to cases appealed from recorders' courts or other municipal courts exercising the jurisdiction of recorders' courts by whatsoever name called or designated, and to try such appealed cases prior to and in preference to the trial of all such cases; it being the purpose of this act to expedite the trial of such appealed cases, the public safety and welfare requiring it.

Approved September 2, 1927.

No. 554)

(H. 513. Simpson

AN ACT

To amend section 8025 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

That section 8025 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 8025. Order on

Petition; Bond: Writ to Justice, etc. Upon the presentation of a verified petition as provided for in the preceding section to any judge, as above set forth, it shall be the duty of the judge to forthwith endorse thereon an order directed to the clerk of the circuit court in the county in which such land lies, commanding him, on petitioner entering into a bond in an amount to be fixed by such judge in such order, which bond must be filed with and approved by the clerk of the circuit court within five days after the order of said judge, payable to the plaintiff in such suit, with surety to be approved by said clerk, and conditioned to pay all costs of suit and all damages which may be assessed in the circuit court against the defendant for the rent, or for the use and occupation of said lands, and all other damages which may be assessed against the defendant in the event the plaintiff should recover in the said cause, to issue a writ directed to such justice or other officer before whom such suit is pending, commanding him to certify all the papers and proceedings in such case to the circuit court of said county; and the justice of the peace or other officer to whom such writ is issued shall at once on the service thereof certify and transmit all the papers and proceedings in said case to said circuit court.

Approved September 6, 1927.

No. 555.)

(H. 1131. Baldwin

AN ACT

To authorize and provide for the payment of the sum of twenty-five hundred dollars (\$2,500.00) for the relief of J. F. Clements of Montgomery County, who was injured on the 16th day of October, 1910, while in line of duty with the National Guard of Alabama.

WHEREAS, J. F. Clements, while in line of duty with the National Guard of Alabama, on the 16th day of October, 1910, received injuries from the explosion of the breech block of a rifle by which his right eye was injured; and by which his face was cut and by which the bone near the left eye was fractured, and as the result of which he suffered permanent and total loss of the sight of said right eye; and

WHEREAS, no adequate compensation has been paid the said J. F. Clements for the said injuries:

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor be, and is hereby authorized and directed to issue his warrant on the State Treasurer in favor of the said J. F. Clements for the sum of Twenty-five

Hundred Dollars (\$2,500.00), which shall be paid by the said Treasurer out of any funds in the State Treasury not otherwise appropriated.

Approved September 6, 1927.

No. 556.)

AN ACT

(H. 883. Patterson)

For the relief of W. P. Hampton, and to reimburse him for expenses incurred in doctor bills, nurse hire, hospital bills, and medicine, and other expenses paid out by him while in the hospital and before recovering, after being wounded as law enforcement officer in the discharge of his duty for the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor be, and is hereby authorized and directed, to draw his warrant upon the State Treasurer in favor of W. P. Hampton for the sum of Three Thousand Dollars (\$3,000.00), to reimburse him for money paid out by him in doctor bills, nurse hire, hospital bills, medicine, and other expenses paid by him while in the hospital and recovering from a wound received by him while in the discharge of his duty as law enforcement officer for the State of Alabama; and that the Treasurer of the State be, and is hereby authorized and directed, to pay such warrant out of any moneys in the State Treasury not otherwise appropriated.

Approved September 10, 1927.

AN ACT

No. 557)

(H. 1125. Miller of Sumter)

To authorize and provide for the issuance and sale of State Bonds for the purpose of constructing and improving public school and other educational buildings in the State of Alabama as authorized by the Constitutional Amendment known as Article Twenty-one (21) of the Constitution of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby authorized to be issued and sold interest bearing negotiable State Bonds in an amount not to exceed the sum of Twenty Million (\$20,000,000.00) Dollars for the purpose of securing funds to construct and improve public school and educational buildings in the State of Alabama.

Section 2. Said bonds when issued and sold shall be exempt from all State, County and municipal taxes.

Section 3. The Governor, the Superintendent of Education of Alabama and the Attorney General of Alabama are hereby constituted a Bond Commission, with full authority to have executed, issued and to sell the bonds herein authorized. No member of the Bond Commission shall receive compensation in any form in and about the sale or issuance of these bonds. The Commission shall meet at the call of the Governor, who is hereby constituted its Chairman and the Commission shall elect a Secretary of the Commission.

Section 4. Three shall constitute a quorum of the Bond Commission for the transaction of business and all proceedings had and done by said Bond Commission must be reduced to writing by the Secretary and recorded in a substantially bound book and a true copy of such proceedings shall be certified to the State Treasurer by the Chairman of said Bond Commission and attested by the Secretary of the Commission.

Section 5. The Bonds hereby authorized shall be executed, sold and delivered on the behalf of the State of Alabama from time to time, and shall be in such denominations and numbers and series, and shall mature at such times, and bear such rate of interest, not exceeding five per cent (5%) per annum, payable semi-annually, as may be deemed expedient by the Bond Commission; but such bonds shall not be sold for less than the par value thereof.

Section 6. Such bonds shall be signed by the Governor, the State Auditor; State Treasurer and shall have attached thereto attested by the Secretary of State the Great Seal of the State of Alabama. Coupons shall be numbered and signed by the State Treasurer; provided, however, that the facsimile copy of the Treasurer's signature upon the interest coupons upon said bonds may be lithographed in lieu of signing the same.

Section 7. That payment for said bonds shall be made to the State Treasurer and a record and registration of said bonds shall be kept by the State Treasurer. The funds derived from the sale of such bonds shall be credited to the Public School and Educational Building fund and shall be used exclusively for the construction, and improvement of public school and other educational buildings in Alabama as authorized by law.

Section 8. The Bonds issued under this Act shall be a direct obligation of the State and the full faith and credit of the State is pledged for the prompt payment of the interest and principal thereunder. The Bonds provided for by this Act are issued under the authority of the amendment to the Constitution known as Article Twenty-one (21) authorizing the State to engage in the construction and improvement of public school and other educational buildings in the State of Alabama and authorizing the issuance and sale of interest bearing negotiable bonds in an

amount not to exceed the sum of Twenty Million (\$20,000,000.00) Dollars.

Section 9. Said Bonds are entitled to the full benefit of the sinking fund provided by said constitutional amendment.

Section 10. Said bonds shall be negotiable instruments issued in coupon form with the privilege of registration as to principal or as to principal and interest. The Bond Commission is authorized to prescribe regulations for registering the bonds and the charge not to exceed more than fifty cents (50c) per thousand for each registration.

Section 11. Said bonds shall be made payable in gold coin of the United States of the present standard of weight and fineness, or its equivalent in the lawful currency of the United States.

Section 12. The principal and interest on said bonds shall be payable at the office of the State Treasurer, or at the place of business of the State fiscal Agent in the City of New York, at the option of the holder.

Section 13. This Act shall become operative immediately upon the proclamation of the Governor, declaring that the qualified electors of the State of Alabama have ratified Constitutional Amendment Twenty-one (21), submitted to them for their approval, and in the event said Constitutional Amendment Twenty One (21) is not approved by the qualified electors of the State of Alabama as an amendment to the Constitution known as Constitutional Amendment Twenty-One (21), this Act shall be null and void.

Approved September 6, 1927.

No. 559.)

(H. 1008. Harwood

AN ACT

To amend Sections 3023, 3024, and 3025, of the Code of Alabama

Be it Enacted by the Legislature of Alabama that Sections 3023, 3024, and 3025, be amended so as to read as follows:

1. 3023. For the purpose of encouraging the building, extending and operating of factories, for the spinning of thread and yarn, and the knitting and weaving of cloth and other fabric of cotton and wool in this State, and plants for the purpose of building ships, and factories for the manufacture of bags, wood pulp products, paper, wood cabinets, and farm implements, or any other manufactured products, and plants, or factories for making and manufacturing condensed and evaporated milk, or either, and other milk products, and plants or factories for making and manufacturing cheese and other milk products, and

creameries and milk cooling stations, the Court of County Commissioners, or other courts having like jurisdiction of any County, and the constituted authorities of any city, or town, in which it is proposed to locate, or add to, or extend any such factories, or plants, are authorized and empowered to remit the taxes assessed on such factories or plants, and on all extensions or additions to such factories, or plants, as are already built and operated, and on all plants, works, machinery and other equipment of such factories or plants, or additions thereto, or extensions thereof, and on the lands on which such buildings, plants, and factories, or additions to, or extensions thereof, are located; and also on all of the capital stock of such factories and plants, or increase of such capital stock made for the purpose of making additions thereof, or extensions thereof, for all county and municipal purposes, for a period not exceeding Five years from the date of the incorporation or organization of such factory or plant, if incorporated and organized under the laws of Alabama, or for a period not exceeding five years from the date of being granted permission to do business in the State of Alabama, if a foreign corporation, or from the date of the completion of such plant, or factory, or from the completion of such addition, or extension thereof.

2. 3024. In order to obtain the benefit of the exemptions from county and city taxation above provided, a person, firm or corporation owning, or controlling such factory, or factories, plant, or plants, must make application, in writing, to the Court of County Commissioners, or Court of like jurisdiction of the County, and, or, to the constituted authorities of the City or Town in which it is proposed to locate the same, giving the location thereof, the date of incorporation, or organization, of the corporation making the application, if a domestic corporation, and if a foreign corporation giving the location thereof, and the date on which such corporation was granted permission to do business in Alabama, and praying for an order to be made by them granting such person, firm, or corporation, the exemptions provided in the preceding Section, which application, if granted, shall be entered on the minutes of the Court of County Commissioners, or Court of like jurisdiction, and on the minutes of the City, or Town, in which said factory, or plant, is located, and designating a time when such exemptions shall expire, but all such property must be returned to the State for taxation unless exempted therefrom.

3. 3025. The exemption granted to any factory, or plant, becoming entitled to its enjoyment, and as to the capital stock thereof, shall cease whenever the operation of such factory, or plant, for the purpose of its construction shall be abandoned.

Approved September 6, 1927.

No. 561)

(H. 1027. Howell)

AN ACT

For The Relief of Mrs. Eunice Harris, The Widow of Thomas Jefferson Harris, Deceased."

WHEREAS, Thomas Jefferson Harris was convicted in the Circuit Court of Houston County, Alabama, in the year 1923, on a charge of manslaughter, and was sentenced to the penitentiary for the term of ten years; and,

WHEREAS, the said Thomas Jefferson Harris, while serving said sentence in the penitentiary at Speigner, on the 3rd day of June, 1927, was without fault on his part accidentally killed by coming in contact with a pipe or wire charged with electricity; and,

WHEREAS, the said Thomas Jefferson Harris, at the time of his death, left surviving him his widow, Mrs. Eunice Harris, and a minor child, James William Harris, now six years old, who were his dependents and who now have no property of any kind whatever:

Now, Therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That an appropriation of Twenty-five hundred Dollars (\$2,500.00) be, and the same is hereby, made for the relief of the said Mrs. Eunice Harris, the widow of the said Thomas Jefferson Harris, deceased, who was accidentally killed at Speigner while serving a sentence in the penitentiary of Alabama.

Section 2. That the amount of money named in Section 1 of this Act be paid out of any funds in the treasury not otherwise appropriated, and that the State Auditor be, and he is hereby, authorized and required to draw his warrant on the Treasurer, in favor of the said Mrs. Eunice Harris, for the amount set out in Section 1 of this Act.

Approved September 9, 1927.

No. 562.)

(H. 37. Jeter)

AN ACT

To prescribe the qualifications, duties and compensation of coroners in counties of this State of two hundred thousand inhabitants or more according to the last Federal census or any subsequent Federal census who may be hereafter elected and to provide for a deputy or an assistant coroner and to define and prescribe the powers and duties of such deputy or assistant, and to provide for the employment of a competent physician at any inquest held by such coroner, or such deputy or such

assistant, and to define and prescribe his duties and to fix his compensation and to provide for the employment of stenographer by such coroners.

Be it Enacted by the Legislature of Alabama as follows:

Section 1. In counties of this State having a population of two hundred thousand or above according to the last preceding Federal census, or any Federal census hereafter taken, the office of coroner may be held by any qualified elector of such county.

Section 2. The duties of coroners in the class of counties described in section 1 of this act shall be the same as are now prescribed by law.

Section 3. The compensation of coroner in the class of counties described in section 1 of this act shall be Five Thousand Dollars per annum, payable in twelve equal monthly installments upon warrants issued by the county commissioners or boards of revenue of such counties, payable out of the county treasury.

Section 4. Coroners in the class of counties described in section 1 of this act shall have authority within their discretion to employ and remove at will a deputy or assistant coroner, who, under the direction and supervision of the coroner, shall have and perform the same duties and powers as such coroner, and whose compensation shall be Two Thousand Four Hundred Dollars per annum, payable in twelve equal monthly installments upon warrants issued by the county commissioners or boards of revenue of such counties, payable out of the county treasury.

Section 5. Any coroner in the class of counties described in section 1 of this act may, in his discretion, at any inquest held by him or his assistant or deputy employ a competent physician who has knowledge of post mortem examinations, who shall be paid a reasonable sum for such services as he may render at such inquest, to be presented to, audited and allowed by the board of revenue or court of county commissioners, as other claims against such county.

Section 6. Any coroner in the class of counties described in section 1 of this act shall, within his discretion, have authority to employ a stenographer and to remove such stenographer at will; the salary to be fixed by the board of revenue or court of county commissioners, payable out of the county treasury upon the warrant of the coroner, drawn upon the treasury of such county.

Section 7. The court of county commissioners or the board of revenue of any county affected by the provisions of this act shall provide for the traveling expenses of the coroner and his deputy or assistant and stenographer, if any, in going to and returning from the place of holding any inquest in such county, which shall be paid by the county.

Section 8. The court of county commissioners or the board of revenue of any county affected by the provisions of this act shall provide for suitable books, stationery, stamps and suitable office and office furniture and seal of office, to be paid for by such county.

Section 9. If any section, clause or provision of this act shall be declared to be unconstitutional same shall not be held to affect any other section, clause or provision but the same shall remain in full force and effect.

Section 10. All laws and parts of laws, either general, local, or special, in conflict with the provisions of this act are hereby repealed.

Section 11. This act to take effect immediately upon approval by the Governor.

Approved September 6, 1927.

No. 563.)

(H. 1076. McAdory

AN ACT

To authorize and require the Board of Revenue, or other governing body, of counties having a population of more than two hundred thousand (200,000), according to the last or any subsequent Federal census, to draw its warrant in favor of the tax assessor and the tax collector, each, of such county or counties, for the payment of ex-officio services rendered by such officers, same to be drawn in equal monthly installments, and paid in the same manner warrants for salaries paid to county officers are now paid.

Be it Enacted by the Legislature of Alabama:

That in counties now having a population of more than two hundred thousand (200,000) inhabitants, according to the last or any subsequent Federal census, the Board of Revenue or other governing body of such county or counties, is hereby authorized and required to draw its warrant in favor of the tax assessor and the tax collector of such county or counties, for the sum Eighteen Hundred (\$1800.00) Dollars per annum, each, for ex-officio services rendered by such tax assessor and tax collector; same to be drawn in equal monthly installments, and paid in the same manner warrants for salaries paid county officers are now paid.

Approved September 2, 1927.

No. 565.)

(H. 64. Deloney

AN ACT

To make an appropriation to the State Training School for Girls for maintenance and buildings and for the purpose of paying the amount due on property purchased by the State for use of the State Training School for Girls.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated the sum of Three Hundred and Thirty Dollars (\$330.00) per year for each inmate of the State Training School for Girls out of any moneys in the State Treasury not otherwise appropriated for each of the years of the quadrennium, beginning October 1, 1927 and ending September 30, 1931, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the Treasurer of the State Training School for Girls for the payment of the amounts due said School, said amount being determined by affidavits of the Superintendent or Treasurer of said School at the beginning of each quarter, which affidavits shall show the number of inmates of said school who was in said school on the last day of said quarter.

Section 2. There is hereby appropriated to the State Training School for Girls for the purpose of securing buildings and equipment the sum of Sixty Thousand Dollars (\$60,000.00) out of any moneys in the State Treasury not otherwise appropriated, payable by warrant of the State Auditor drawn upon the State Treasurer, and in such amount and at such time as may be approved by the Governor. There is also appropriated to the State Training School for Girls the sum of Forty Thousand Dollars (\$40,000.00) out of any moneys in the State Treasury, not otherwise appropriated; said sum to be used to pay the indebtedness now due by said State Training School for Girls for lands already purchased; provided that this appropriation of Forty Thousand Dollars (\$40,000.00) shall not be available until approved by the Governor, and is not intended as a duplication of any other appropriation made by law for this purpose.

Section 3. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved September 9, 1927.

No. 566)

(H. 1168. Jeter

AN ACT

To fix the compensation or salary to be paid to members of the Board of Revenue in all Counties in this State having a population of two hundred thousand or more according to the last or any subsequent Federal census; and to prescribe the method of payment of said compensation or salaries.

Be it Enacted by the Legislature of Alabama:

Section 1. That the salary or compensation of members of the Board of Revenue in all Counties in this State having a population of two hundred thousand or more according to the last or any subsequent Federal census be and the same is hereby fixed at the sum of six thousand dollars per annum payable out of the general funds of said Counties in equal monthly installments.

Section 2. That all laws and parts of laws local, general or special in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 3. That this Act shall become effective upon its approval by the Governor.

Approved September 6, 1927.

No. 567.)

(H. 1166. Goodwyn

AN ACT

To provide for the consolidation of the administration and control of the public school systems in any county of not less than seventy-five thousand nor more than one hundred thousand population according to the last or any succeeding Federal Census; to establish a Board of Education, in lieu of all other city and county Boards of Education in such counties, and provide for the manner of its selection and to define its authority.

Be it Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than seventy-five thousand, nor more than one hundred thousand, according to the last or any succeeding Federal Census, the administration and control of the public schools and the public school interests, therein and thereof, shall be under the exclusive direction and management of a Board of Education consisting of eight members, which Board shall be in lieu of any and all existing City Boards of Education and County Boards of Education, within such Counties, which such existing City and County Boards of Education are hereby abolished. The Board hereby created shall select from its membership a Chairman, who shall be entitled to vote as any other member of the Board, and also, in the event of a tie, shall cast the deciding vote in all matters coming before the Board. When this law goes into effect the State Superintendent of Education, except in cases otherwise provided in this Act, shall appoint four of the members of said Board to serve until January 1, 1929, and four to serve until January 1, 1931. The successors shall be elected by the qualified electors of the County at the general election next preceding the

expiration of their respective terms, and shall hold office for a term of six years and until their successors are elected and qualified:

Section 2. In all such counties in which there is situated a municipality which has a population of not less than forty thousand, such Board of Education shall be selected as follows: Five members thereof shall be elected by the City Council, City Commission, or other governing authority of such City, and three members thereof shall be elected by the qualified voters of the County as hereinafter provided, two of whom must reside outside of the corporate limits of any such municipality, and provided that the three members to be elected by the County, except as otherwise provided herein, shall be elected at the general election held in 1928 and shall take office on the first day of December following such election.

Section 3. Immediately upon this Act becoming effective the City Council, City Commission, or other governing authority of any such City, in any such County, shall appoint or elect five members of said Board of Education, whose terms of office shall be as follows: One member shall be elected for one year, one for two years, one for three years, one for four years, and one for five years, the respective successors of such members shall be so appointed or elected for a term of five years. Those members of the County Board of Education, as existing and constituted at the time this Act takes effect, who reside outside the corporate limits of any City, as defined in Section 2 of this Act, shall be and continue as members of the Board of Education created by this Act for such period as they would have continued as members of the County Board of Education, if such Board had continued to exist, and their respective successors shall be elected at the general election next preceding the expiration of their term of office. In the event it becomes impossible to lawfully select any of those members of such Board as are to be elected by the qualified voters of any such County prior to the 30th day of June, 1928, then the State Superintendent of Education shall have authority to temporarily fill any such vacancy until such vacancy is filled by election. In the case of any vacancy by reason of resignation, death, or otherwise, such vacancy is to be filled for the unexpired term in the same manner as originally selected.

Section 4. All the rights, privileges, authority and powers now vested by law in any City Board of Education or any County Board of Education within any such County be and the same are hereby conferred upon and vested in the Board of Education created by this Act, and such Board shall have full authority to make a single coordinated system of all the City and County public Schools in any such County, but no contracts, obligations or

employment entered into by any of the existing Boards prior to the passage of this Act shall in any way be affected by their abolishment.

Section 5. This Act is a coordinate whole and all of the provisions herein shall be construed as interlocked and dependent one upon another, and the Courts will so construe the same.

Section 6. The provisions of this Act shall take effect the 30th day of June, 1928.

Section 7. All laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Approved September 6, 1927.

No. 568)

(H. 180. Johnson

AN ACT

To provide and submit to the qualified electors of the State of Alabama at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature an amendment to the Constitution of Alabama authorizing and regulating the levying of additional taxes by Jackson School District Number 72, Clarke County, Alabama, and all other school districts of Clarke County which have been or may hereafter be consolidated with said Jackson School District Number 72.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such proposed amendment and the day appointed for such election is the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows: (a) The Jackson School District Number 72, of Clarke County, Alabama, and all other school districts of Clarke County which have been or which may hereafter be consolidated with said Jackson School District may levy and collect a tax not exceeding fifty cents on each one hundred dollars worth of taxable property in such school districts, for the purpose 1. of paying or refunding of outstanding bonds of the town of Jackson, Clarke County, Alabama, which have been heretofore issued for the erection and equipment of the public school buildings in said town; and 2. after the payment of such bonds then for public school purposes within such districts; provided that the rate of the proposed tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the combined districts affected, and voted for by a majority of those voting upon such proposition at such election. (b) After such tax

shall have been voted for and is being levied and collected by said Jackson School District Number 72 and the districts which have been consolidated therewith, no other district may consolidate with said Jackson District until such district so consolidating with said Jackson District shall have also voted a tax of like amount and with like expiration date, as shall have been voted by the districts which are then levying and collecting the tax provided for by paragraph (a) hereof. (c) The election for such tax shall be proposed, called, held and the vote canvassed and the results declared and the tax collected in the same manner as may now or hereafter be provided by law for the special school district taxes authorized by section 2 of the third amendment to this Constitution. (d) The tax hereby authorized shall be in addition to any and all other taxes now authorized by law, and its collection shall in no manner affect the right of the districts in which it shall be levied to share in the school monies heretofore available for such districts, nor shall any reduction in such shares be made by reason of the tax hereby authorized.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the Treasury of the State in the same manner as the expenses of other elections are paid.

Approved September 6, 1927.

No. 569)

(H. 471. Jordan of Etowah
AN ACT

To provide and submit to the qualified electors of the State of Alabama at an election to be held on the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature an amendment to the Constitution of the State of Alabama increasing the amount of taxes which may be levied by the respective governing bodies of the following municipal corporations, viz: Attalla, Alexander City, Albertville, Arab, Boaz, Bridgeport, Gadsden, Eufaula, Louisville, Union Springs, Jasper, Altoona and Guntersville, and Decatur, and Sylacauga and Clanton.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, and an election by the qualified electors of the State is hereby ordered upon such pro-

posed amendment and the day appointed for such election is the second Tuesday next after the expiration of three months from the date of the final adjournment of the present session of the Legislature at which this amendment is proposed. The amendment proposed is as follows: (a) That the municipality of the city of Gadsden, through its governing body, in addition to the taxes which it is by any other provision of the Constitution or any amendment thereto otherwise authorized to levy and collect, may levy and collect from and after the adoption of this amendment, an additional tax of not exceeding one-half of one per centum per annum in such amounts and to be devoted to such purposes as may be designated by the governing body of said municipality and voted for by a majority of the qualified electors voting upon such proposition at an election called by the governing body of said municipality for such purpose; provided that the total taxes levied for all purposes shall not exceed one and one-half per centum in any one year on the property situated therein, based on the valuation of such property as assessed for state taxation. (b) That the municipalities of Bridgeport, Arab, Boaz, Clanton, Albertville and Guntersville, through their respective governing bodies, in addition to the taxes which each of such municipalities is, by any other provision of the Constitution or any amendment thereto, otherwise authorized to levy and collect, may levy and collect from and after the date of the adoption of this amendment an additional tax of not exceeding one percentum per annum, in such amounts and to be devoted to such purposes as may be designated by their respective governing bodies and voted for by a majority of the qualified electors of such municipality voting upon such proposition at an election called by the governing body of such municipality for such purpose; provided that the total taxes levied for all purposes shall not exceed one and one-half per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation. (c) That the municipalities of Attalla, Alexander City, Decatur, Sylacauga, Eufaula, Louisville, Union Springs, Jasper and Altoona, through their respective governing bodies, may levy and collect, from and after the date of this amendment, a tax of not exceeding one-half of one per centum per annum; and that for the purpose of paying interest and principal when due on bonds and indebtedness issued and outstanding at the time of the adoption of this amendment, or hereafter issued or incurred, an additional tax of one-half of one per centum may be levied and collected by the respective governing bodies of each of said municipalities; and provided further that a majority of the qualified electors of any of said municipalities voting upon such proposition at an election called by such municipality for that purpose may vote a special tax not to

exceed one-half of one percentum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which the same is levied or collected. Provided that the total taxes levied for all purposes shall not exceed one and one-half ($1\frac{1}{2}\%$) percentum during any one year on the property situated therein, based on the valuation of such property as assessed for state taxation. (d) That the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of any municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon it, under the Constitution or any amendment thereto. (e) Each election held under the provisions of this amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporation for elections to authorize the issuance of municipal bonds. The ballots used at such elections shall contain the words: "For authorization of additional taxation at a rate not to exceed..... per cent for the year (or years)..... for the purpose or purposes of..... and "Against authorization of additional taxation at rate not to exceed..... per cent for the year (or years)..... for the purpose or purposes of.....". The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor, and the year or years in which the proposed rate is to apply, and the purpose or purposes for which such tax is to be used, shall be like-wise printed in the respective spaces therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a crossmark before or after the words expressing his choice. Nothing herein contained shall in any wise change or affect the rights of any holder of bonds of said municipal corporations heretofore issued. Elections in each of said municipalities to authorize the levy of such special tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the electors of either of said municipalities for authorization to levy a special tax for a specific purpose and such proposition is defeated, no second election for the same purpose shall be held in such municipality within one year thereafter. This amendment shall be self-operative without any additional legislation.

Section 2. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the State Treasury in the same manner as the expenses of other elections are paid.

Approved September 6, 1927.

No. 570)

AN ACT

(H. 818. Monk

To propose an amendment to the Constitution of Alabama to permit certain school districts in Dale County to levy and collect for school purposes a tax of ten mills in addition to all taxes now authorized.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, to-wit: Midland City School District No. 15 in Dale County, Ariton School District No. 50 in Dale County, shall each have the right and power by a majority vote of the qualified electors of such districts voting at an election held for that purpose to levy and collect for public school purposes including the payment of indebtedness a tax not to exceed ten mills any one year in addition to all other taxes now authorized by law. The election in such districts to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling and conducting an election to determine whether or not the three mill district school tax shall be levied and collected, and the laws governing the handling and the expenditure of the proceeds of the ten mill tax herein provided for shall be in all respects in accordance with the law governing the handling and the expenditure of the three mill district school tax.

Section 2. This Amendment shall be submitted to the qualified voters of the State at the General Election to be held in 1928.

Approved September 6, 1927.

No. 571)

AN ACT

(H. 1039. Grove

Creating and establishing Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last federal census of not less than 95,000 and not more than 175,000, defining their powers and jurisdictions and providing for the process and procedure of said courts; for the equipment of said courts, for the Judge and officers of the courts; their term of office and their salaries, and defining their duties and the payment by the Board

of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties of all premiums that may accrue on account of the bond of the Clerk thereof; for the transportation of Probation Officers, for the service of process, including warrants and the fees thereof and the payment of said fees; for the detention of juvenile delinquents and dependents and neglected children, providing for a commission to aid in carrying out the work of the courts and prescribing its duties, and providing for appeals from any order or judgment of said courts; making it an offense for any person knowingly and wilfully to encourage, aid, abet, cause a state of delinquency or dependency of any child under sixteen years of age, or produce, promote or contribute to the conditions which render any child delinquent or dependent and providing punishment therefor; providing for the transfer of certain cases to said Juvenile Courts; providing for the apprehension of such children and persons and the commitment of children to any family, association or institution; for the transportation of such children and the payment of cost by said counties; providing for the commitment of Juvenile delinquents and dependents to any family, association or institution within the State to which they may be respectively committed and providing for the payment of the cost thereof by the Board of Revenue and Road Commissioners, or by whatever name they shall be known of said Counties, providing for the payment by the cities or towns in which said courts are established of one-half of the expenses arising out of the operation of said Courts, and for the protection of said children against disqualification or prejudice in other courts in the Civil Service of the State or municipality on account of any judgment or order of said court or any confession, statement, declaration or admission or silence or demeanor of said juveniles, and provide for the repeal of certain laws.

Be it Enacted by the Legislature of Alabama:

Section 1. Court created. There is hereby established and created Juvenile Courts in all counties in the State of Alabama now having or which shall hereafter have a population according to the last Federal Census of not less than 95,000 and not more than 175,000. Said Courts to be designated as Juvenile Courts of said counties; which courts shall have and exercise all the power, jurisdiction and authority which is herein or which shall hereafter be conferred upon such Courts.

Section 2. Juvenile Commission created as part of the Court: Number of Officers, Terms and Duties of Officers. Duties of Juvenile Commission: There is hereby created a Juvenile Court Commission which shall be composed of seven (7) resident citizens of said counties who shall be chosen on account of their knowledge, interest in, care, education and welfare of youths of both sexes and who shall serve without compensation. The Board of Revenue and Road Commissioners, or by whatever name they shall be known of said counties shall appoint three members of the said Juvenile Court Commission who shall hold office at the pleasure of the said Board of Revenue and Road Commissioners, or by whatever name they may be known. The Board of City Commissioners, or other governing board of such cities or towns in which said courts are established shall ap-

point three members of said Board who shall hold office at the pleasure of said Board or Governing Board of such cities or towns in which said Courts are established. The six members of the Juvenile Court Commission thus appointed shall choose the seventh member of the said Juvenile Court Commission, who shall hold office for five years or until his successor shall be chosen. Women shall be eligible to membership on said Juvenile Court Commission. Four members of said Commission shall constitute a quorum. Said Commission shall annually choose its President, vice-President and Secretary who shall hold office until their respective successors have been elected and qualified. The Secretary shall record its proceedings and its officers shall perform the usual duties indicated by their titles. Said Juvenile Court Commission shall perform, among others, the following duties: (a) They shall appoint the Judge of said Juvenile Court; (b) shall appoint all Probation Officers and servants of said Court, except the Clerk of said Court and said Probation Officers and servants shall hold their places at the will of the Commission. All appointments shall be made subject to the approval and with the consent of the judge of said Court; (c) and they shall exercise such powers and duties as may be now or hereafter imposed by Law and such as are necessary or proper for performing the functions above stated; but they shall not any of them preside over the Court or be its Clerk or other officer except as above stated.

Section 3. Jurisdiction. Said Juvenile Courts shall have and exercise original and exclusive jurisdiction except as otherwise provided herein of all actions, proceedings or causes of whatever kind or character arising under the terms of or the violation of any or all laws now in force in said counties or arising under the terms of or for the violation of any ordinance of any incorporated city or town in said counties or any law or ordinance which may hereafter be enacted providing for the trial or disposition or involving, 1—the disposition, custody, control or protection of delinquent, dependent or neglected children: 2—The apprehension, custody, trial, disposition of all persons causing delinquency, dependency, or neglect of children; 3—The prosecution and punishment of persons charged with the offense of abandonment, desertion or failure to support their wives or of the abandonment, desertion or failure to support their children or both; 4—The prosecution and punishment of persons charged with contributing to the dependency, neglect or delinquency of a child under sixteen years of age: 5—Such Juvenile Courts shall have jurisdiction to try and determine under the terms of this Act causes begun or instituted in other Courts, including Police or Records Courts, and which causes are by law authorized to be transferred by such other courts to said Juvenile Courts for trial

and which causes are so transferred; 6—Such Juvenile Courts shall have and exercise in said counties all the jurisdiction, functions, powers and duties now given, possessed and exercised by Juvenile Courts under the terms of Chapter 100, of the Code of 1923, or any Code heretofore or hereafter adopted of the State of Alabama relating to dependent, neglected and delinquent children, the present Sections being Sections 3528 through 3559, both inclusive, all provisions of said sections applying to Juvenile Courts shall likewise apply to these Courts except as it is herein otherwise provided.

Section 4. Authority. Said Courts shall have power to put the child on probation at its own home or residence or in a suitable home or residence or elsewhere, subject to the control of the Court and visitation by its officers until discharged from the probation or require the child to report to Court or Detention Home at regular intervals or may commit the child to some institution within or without the county if it be an institution maintained by the State or by any subdivision thereof or incorporated under the laws of the State and which takes care of children, or may commit it to the care of any person, family, corporation, society or association of persons that cares for children, and under such stipulations, restrictions or conditions or agreements as the court may prescribe or require or agree to, but shall not commit said child to an institution without said counties unless it be a State institution wholly supported by the State.

Section 5. Quarters, Equipment, etc. The Revenue and Road Commissioners or whatever name they may be known by of said counties shall provide suitable quarters for the use of the Juvenile Court and all such fittings and furnishings and paraphernalia, books, stationery, cabinet files and equipment and all other facilities as are reasonably necessary, proper or convenient for the carrying out the purposes and provisions of this Act.

Section 6. Vacation. Special Judge. Said Juvenile Courts shall have no vacation period but shall always be open within reasonable hours to receive complaints and to hear causes provided for herein; provided, however, Judges of said Courts shall have a vacation period in each year, not to exceed one month. During the absence of said Judge on such vacation or in the event of sickness or his otherwise being disqualified or unable to perform his duties for a period of time or in a particular case he shall appoint a special judge as is herein provided for. In the event of an appointment of a Special Judge for any of the reasons above set forth, said appointment shall be made by the Judge of said Court by order spread upon the minutes of said court and the special Judge so appointed is hereby given power and authority during the absence of the regular Judge and during the whole period of time in which he serves the same power and

authority of the regular Judge of the said court. The special Judge so appointed shall be a practising attorney, resident of said county, and otherwise qualified under the terms of this Act, to serve as a special Judge. Power is hereby especially given and conferred on the regular Judge of said court to make the appointments above set forth. Said special Judge shall not receive any compensation for his services so rendered from said County.

Section 7. Appointment of Judge, Term, Salary. There shall be a Judge of said Juvenile Courts whose terms of office shall be for three years from the date of their appointments and until their successors are appointed and qualified which successors shall be appointed by the Juvenile Court Commissions of said Counties. Such Judge shall have been a citizen of the State and the County in which said Court exercises jurisdiction for at least five years before his appointment, shall be learned in the law and shall not be less than twenty-five years of age. He shall be a person of high moral character, clean life, and shall be selected for his special fitness by training, education and experience to deal with the problems of dependent, neglected and delinquent children. The salary of said Judge shall be Three thousand dollars per year, payable in twelve equal monthly installments out of the general funds of the County in which said Courts are located and exercise their jurisdictions. The Judge of said Court shall have authority where not otherwise provided for by Law to fix the character and form of the records of such Courts. He may practice Law insofar as it does not interfere with his duties as a Judge, but not in any case or matter that arose in said Juvenile Court.

Section 8. Appointment of Clerk, Duties, Salary, Bond, Term, Chief Probation Officer, Salary, Term, Other Probation Officers, Salaries, Terms. There shall be a Clerk of said Courts who shall administer oaths, issue process and writs from Courts, and papers from the Judge, file and keep all books, records, papers, and other property pertaining to the Courts, prepare papers for appeals from the Courts, perform all other duties in connection with said Courts or Judge as said Courts or Judge may from time to time require of him, and he shall be and remain under the supervision and direction of the Judge and obey all his instructions. The clerk shall be appointed by the Judge and hold office at the will of the Judge appointing him, and hold during such Judge's tenure. The Clerk may be a woman. The Clerk shall be paid a salary of eighteen hundred dollars per year, or at the rate for the time he or she serves, said salary to be paid in twelve equal monthly installments out of the general fund of the Counties in which said Courts are located and exercise their jurisdiction. Before entering upon his duties the Clerk shall execute bond with such sureties as the Judge may prescribe in a

penalty of not less than one thousand dollars, payable to said County with condition of faithful discharge of the duties of Clerk during incumbency and to properly account for all moneys or property that may come into his hands as Clerk and conditioned otherwise as may be prescribed by the Judge who shall approve the bond and deliver it to the County Treasurer of said Counties for safe keeping. Suits may be brought upon it by any one aggrieved by its breach until its penalty is exhausted. All necessary original and renewal premiums on the Clerk's bond shall be paid by the Counties. There shall be a Chief Probation Officer and a Colored Probation Officer, who shall be under the Chief Probation Officer, and as many others as may be necessary and proper in order to perform the duties made necessary by the business of the Courts. All appointments made shall be as specified under sub-division (b) of section number two of this Act. In the event of the appointment of additional probation officers to the ones herein specified, the salaries of said additional probation officers shall be fixed by the Juvenile Court Commission, subject however, to the approval of the said Board of Revenue and Road Commissioners or by what ever name they shall be known of the Counties and the Board of City Commissioners or other governing boards of City within which said Court is operating and exercising its jurisdiction. The Probation Officers herein mentioned may be men or women. The salary of Chief Probation Officer shall be sixteen hundred twenty (\$1620) dollars per annum, and the salary of the colored probation officer shall be twelve hundred (\$1200.00) dollars per year, payable in twelve monthly installments out of the general fund of the County Treasury.

Section 9. Circuit Solicitor. It shall be the duty of the Circuit Solicitor of such Counties who is hereby made an officer of said Court either himself or by his Deputy to represent the State in any or all causes tried in said Juvenile Court when requested to do so by the Judge of said Court.

Section 10. Forms, Records, etc, Rules and Regulations. Contempt. The Judge shall have authority to devise or adopt and cause to be used for all forms and records blanks and stationery process, writs and petitions and other documents as he may deem convenient and proper for the transaction of the Court's business. The Judge shall have power to make and enforce rules and regulations for controlling and governing the officers, employees and the procedure of the Court, and so may the Juvenile Court Commission in its sphere, but not in conflict with the Judge made rules. Said Juvenile Court or Judge presiding shall have the power to punish any one who knowingly refuses or fails to obey or disregard any judgment or order or rule of the court as for a contempt; or punish any one who knowingly opposes, interferes

with or obstructs any officer of the Court in the performance of their duty under this Act; or any one by acts or omission, conduct, speech or otherwise disturbs the Judge or Court while in session, or any officer of the Court so as to hinder the orderly conduct of its business, and said Juvenile Court shall have all the power of County Courts as set out in the 1923 Code of this State of Alabama in contempt matters and the same penalties given a County Court under the 1923 Code of the State of Alabama shall be in force in the said Juvenile Courts for contempt.

Section 11. Transfer, forcible Detention, place of Detention. When a child within the age specified in this Act for Juvenile is arrested or brought before any magistrate, court or officer other than said Juvenile Court such magistrate, officer or Court shall promptly transfer the child and the case and all papers in that connection to said Juvenile Court, and all orders proper therefor shall be made and it shall be the duty of such other Court, magistrate or officer as the case may be to effectuate such transfer. Whereupon the child and the case shall stand for examination for trial in said Juvenile Court as in other cases therein and the said child shall be dealt with as if the case had originated in said Juvenile Court. Whenever a child within said age is taken in custody under this Act or arrested as for the violation of any law and it appears to the Juvenile Court or Judge to be advisable or necessary in order to have the child in Court that the child be forcibly detained, the said Court or Judge may in his discretion forcibly detain said child for safe keeping pending the hearing. But a sheriff, jailer, or police officer or marshal or their deputies shall not imprison the child in the same room with an adult prisoner or other prisoners, but such child may at any time give bond for his or her appearance in Court for trial and upon making such bond shall be released from custody. Whenever under the terms of this Act a Juvenile or other person is committed to jail it shall be either the County jail, city jail or Detention Homes according to the circumstances and the officers in charge shall receive such Juveniles or other persons and keep them safely until removed or discharged by law therefrom. Whenever any person is confined in the County jail the Sheriff shall be paid the same fees for keeping and feeding such person as he is paid for keeping and feeding prisoners committed to such jail by other courts.

Section 12. Ward of the State, not a criminal: adjudication not disqualification. Style of proceedings, construction, confessions. All proceedings against Juveniles under this Act shall be on the theory that the child is a ward of the State, and not a criminal, but rather as misdirected and in need of assistance, kindness and firmness of control and direction of his ways. And it shall not be treated or deemed a criminal. The child shall not

be denominated a criminal by virtue of any adjudications under this Act, nor shall any adjudication ever be denominated a criminal by virtue of any adjudications under this Act, nor shall any adjudication ever be denominated a conviction of a child. The child shall not be a convict hereunder. Adjudication under this Act shall not operate to disqualify the Juvenile, nor to disqualify after attaining majority from holding any office, place or position under any State or municipal or other Civil Service. Confessions or admissions of any kind, declarations or statements made by a juvenile delinquent to said Juvenile Court or Judge or to any other officers, or to any person, or the child's manner or demeanor, or silence or answer, when accused or questioned shall be competent or admissible evidence against the child in any Court proceedings under the same rules and regulations which govern such admissions in other Courts. The style of the proceedings on the docket of the Juvenile Court and Appellate Court shall be "In the matter of . . . a Juvenile." And all the provisions of this Act shall be construed liberally for the effectuation of its beneficent purposes, concerning the Juvenile and the duty shall be constant upon the Court to give to each child subject to its jurisdiction such oversight and control as to advance the welfare of the child and the interest of the State. So far as practicable and best the Court shall preferably exercise its supervisory care by retaining juveniles in their own homes, under the supervision of Probation Officers, rather than elsewhere; and when the child is committed to a foster home, the family receiving the child must receive it and agree to rear and educate it as a member of the family.

Section 13. Petition, Warrant, Investigation, Bond. Any reputable person knowing or being informed and having reasons to believe that a Juvenile is delinquent within the purview of this Act, or that a child is dependent or neglected within the purview of this Act may file in the Court a verified statement briefly setting forth the facts. Thereupon the Court or Judge may make or cause to be made by the Probation Officer of his selection or some other proper person an investigation and may require the child to appear or be brought before the court at a time fixed in the process issued either a notice to be served upon the parents, or parent, guardian, trustee or custodian of the child or person or any person obligated by Law to its support or any one standing to it in local parentis, commanding the production of the child in court or the appearance in Court of such Juvenile or else a Warrant of Arrest. The Court shall have power to punish as a contempt the failure or refusal of any one directed to produce the child in Court as required by notice accepted or served. Upon service accepted of notice or upon the arrest of the child the Judge shall have power to accept a bond with penalty fixed by

him in whatever amount he may think proper with sufficient sureties not exceeding two bondsmen and payable to said County, and approved by him, the Clerk of the Court, or the Sheriff of the County, and conditioned that the child shall appear in court at a time to be fixed by the Court and upon its acceptance the child shall be released. On the failure to make or take such bond the child may be detained under the order of the Court at a Detention Home of the County, in some institution selected by the Judge or in the custody of some officer or other person designated by the Court or also committed to jail as herein otherwise provided in this Act pending the examination or hearing. Upon breach of the conditions of the bond accepted the court may issue such other process or notice as may appear proper to bring the child in, which shall be executed forthwith and the Court shall have power to take forfeitures as in other courts, upon the bond against sureties only and enforce its judgment in that regards as other Courts might do. At the time fixed by continuance or otherwise the Court shall proceed to hear and investigate the facts examining into the circumstances and the condition of the child's surroundings and environments sufficiently to enable rendition of proper judgment so as to best subserve the child's welfare and carry out the purpose of this Act.

Section 14. Execution of warrants, by whom, Trial without Jury; Appeal. All warrants shall be executed and returned as are warrants issued from and returnable to other County Courts; provided, however, that in addition to the Sheriff of said County or his Deputies any Probation Officer of said Juvenile Court or any police officer of any municipality in such County or any constable of such County shall also have authority to serve them, and their return shall have the same force and effect as that of the Sheriff. The officers serving the same shall immediately thereafter make return thereof to the said Juvenile Court. In the trial of misdemeanor cases arising under this Act or of which said Juvenile Court is otherwise given jurisdiction said Juvenile Court shall determine both the Law and the facts without the intervention of a jury, and shall award such judgment under the terms of this Act or as is provided by Law as shall seem just. From such judgment the defendant, delinquents, or dependents or neglected persons shall have the right to appeal to the Circuit Court of such County and to demand in said Circuit Court a trial by jury as provided herein. All appeals must be taken within five days from the date of the rendition of the judgment in the case.

Section 15. Sentence, Suspension of sentence, probation, probation bond, violation, arrest, commitment to jail, setting aside suspension, time, release, forfeiture of bonds, disposition of moneys. In the trial of any misdemeanor of which said Juvenile

Courts are given exclusive and original jurisdiction by the terms of this Act or by any other Act, or jurisdiction by transfer of any other Court upon the entry of a plea of guilty, or upon conviction the Judge of said Juvenile Court trying the cause or hearing such matter may in his discretion by proper order entered upon the minutes of said Juvenile Court defer or withhold sentence or suspend the imposition of sentence provided by law, and may by such order release the defendant on probation under such terms and conditions as to him shall seem just and conducive to the ends sought in this Act; or the said Judge after imposing sentence may by such order suspend such sentence or stay execution thereof or any part thereof, and may by such order release such defendant on probation upon such terms and conditions as to said Judge shall seem just and conducive to the ends sought by this Act. At the time of withholding or suspending such sentence the said Judge shall have the right to order as a condition thereto that the defendant execute a probation bond to be approved by said Judge in such sums as shall seem just, conditioned to comply with the said order or stay or suspension or release. Such bond may be with or without surety. If at any time the Judge of said Juvenile Court be satisfied by such evidence or proof as to him shall seem sufficient that such defendant has violated the terms of any such order or release of any such probation bond said Judge may forthwith or after further probation without notice to such defendant issue a warrant for the arrest of such defendant to bring such Defendant before the Court instantler, or that said Defendant shall appear before the Court at a time fixed in said Warrant of Arrest in which latter case pending such time defendant shall have the right to bail in such reasonable sum as the Judge or Clerk or said Juvenile Court shall fix, failing to make which, defendant shall be committed to jail to be brought before the Court for the imposition of the stayed sentence or to serve the suspended sentence as the case may be; in the last contingency the said Judge shall set aside the suspension of such sentence before issuing said warrant. The Judge of such Juvenile Court shall also have the right and authority from time to time after any part of such sentence has been served to release such defendant from the remaining part of such sentence and to suspend the remaining part thereof and to enforce or re-inforce the remaining part as the Judge trying the case had in the first instance. The terms of such sentence or any remaining part thereof after a part thereof has been served shall commence from the date upon which sentence or such remaining part thereof was ordered to be enforced. No such sentence or any part thereof shall be stayed or suspended for a period longer than one year. If at any time after the original stay or suspension of said sentence it shall appear to the satisfaction

of said Judge that such defendant has complied faithfully with the terms of said stay or suspension the said Judge may enter an order staying or suspending such sentence absolutely, in which case such defendant shall be released therefrom. Upon the violation of the terms of any appearance or probation bond provided for in this Act or under the terms of any other act giving said Juvenile Court jurisdiction the Judge of said Court shall have authority and shall proceed with the forfeiture of such bond in the same way in which bail bonds are forfeited in the Circuit Court of such Counties. In the event that one of the conditions of such probation bond was payment of money for the support of the dependent wife or child, or children, or wife and children, then in that event any money collected on such bond shall be held by the Clerk of said Court for the use of such wife, child, or children, or wife and children, to be paid by said Clerk to them or to some person, agency, or institution for their use under the direction and in accordance with the orders of said Juvenile Court Judge.

Section 16. Motion for new trial; or re-hearing; Time, authority. Every motion for a new trial or application for re-hearing of any cause decided in said Juvenile Court shall be filed with the Clerk within five days after the rendition of said Judgment or Decree except as is herein otherwise provided for; and said motions shall be promptly heard by said Court or granted forthwith by said Judge within his discretion. In ruling on such motions the Court shall have the right either to set aside the judgment order, or decree, complained of, and order a re-hearing or new trial; or it may modify said decree, order, or judgment in any way that the Court could have done at the original hearing, or at the time that such order was made and as it shall seem just. And the Court or Judge may in matters of discretion *ex mero motu* amend such orders as to it or him shall seem just.

Section 17. Commitments; Where; Time; Release; modification; or revision, transportation expense; payment by whom; approval of expense. If the Court commit a white boy to the Alabama Boys Industrial School or similar institution now or hereafter maintained by the State or of any of its subdivisions; or a white girl to the State Training School for Girls, the Alabama Home of Refuge or the Mercy Home Industrial or a similar institution now or hereafter maintained by the State or of any of its subdivisions; or a colored child to the Alabama Reform School for Juvenile Negro law-breakers or a similar institution maintained by the State or of any of its subdivisions, such commitment shall be until the child shall be discharged or released by order of the Superintendent of the institution to which said child has been committed, subject, however, to the approval of the Judge of the Court committing such child, and in no event shall

the period of detention be after the child has reached twenty-one years of age. For each and every conviction or adjudication under the terms of this Act the amount of time which said juvenile can be committed to any institution mentioned in this Act shall be discretionary with the Judge so committing, not however beyond the time when such child reaches the age of twenty-one years. Said commitments may however in the discretion of the Judge be made for an indefinite period. Any judgment or order of said Juvenile Court in any proceeding against a juvenile shall be subject to modification or revision from time to time as said Court or the Appellate Court having jurisdiction shall determine to be to the child's interest. The expense of transportation of juveniles and officers of the Court, when a juvenile is committed to any Home Society, person, family, corporation, institution or association, other than a member or members of its own family, shall be paid by said Counties unless otherwise provided, but no such expense shall be charged against or be payable by the Counties unless the Judge or Clerk of said Court shall have approved the same in advance of the incurring of the expense.

Section 18. Appeal by Juvenile; or others; Release of Child; Appellate Court Authority; Judgment. Within five days after the day of rendition of a final decree by said juvenile court against a child an appeal may be taken by the child, or his next friend, parent, guardian to the Circuit Court in said County in their own name. In no event shall the taking of an appeal release the child from the Court's custody and control so as to put it at large unless an appeal bond is executed by such appellant payable to said County in a penalty fixed by the Judge or Clerk, with good and sufficient securities or surety, approved by the Judge or Clerk, and conditioned that the child shall appear in said Circuit Court until discharged by due court of law; and the appeal without bond shall not suspend the judgment appealed from, nor discharge the child from the custody of the Juvenile Court or its officers or of the institution, person or persons into whose care the child may have been committed, if the Juvenile Court shall enter an order ascertaining or stating that to suspend the judgment or release the child will endanger the child's welfare and ordering it not suspended or released, except that no child shall be sent or taken out of the County or be detained in an institution without the County while such appeal is pending. Appeals under this section shall take precedence over all other business of the Court to which an appeal is taken. The Circuit Court shall try such appeal, de novo, and defendants shall have a right, in the discretion of the Judge of said Circuit Court, to trial by jury, if demanded in writing by him as required in other misdemeanor cases in a Circuit Court. The Circuit Court shall have the power to render such judgment as said Juvenile Court should have ren-

dered under this Act or remand the case with instructions. It shall cause its judgments to be certified down to the said Juvenile Courts which shall make such judgments its own, and enter such further orders from time to time as are proper to carry it out. If the Circuit Court does not dismiss the case, or does not discharge the child from custody it shall remand the child to the jurisdiction of the Juvenile Court for its supervision and its care, but if it dismisses the appeal the Juvenile shall remain under the jurisdiction of said Juvenile Court as if it had rendered such certified judgment in the first instance, or as if an appeal had not been taken.

Section 19. Contributing to Delinquency, Dependency, Neglect; a Misdemeanor, Complaint; arrest; Bond; Trial; punishment; probation; Revocation; Appeal; Segregation of Appellate Court. It shall be a misdemeanor for any person in said counties to encourage, aid, abet, contribute, promote, or cause the delinquency, dependency or neglect of any child under sixteen years of age as set out under section 3542 of the 1923 Code of the State of Alabama. Said Juvenile Court shall have jurisdiction over all such misdemeanors and shall cause any person guilty thereof to appear and be brought before the Court either upon summons or upon other notice or upon warrant of arrest after affidavit showing probable cause for such orders and judgments as the Court may see proper to make in accordance with this Section. The accused shall have the right to bail in a sum to be fixed by the Court or Judge payable to the County with surety to be determined by the Court or Judge and conditioned to appear in said Juvenile Court from time to time to be fixed by the Court or Judge until discharged in due course and to be approved by the Judge. In default of bond the accused may be committed to jail pending the disposition of the case by the Juvenile Court. The cause shall be styled "The State of Alabama against the accused" by whatever name known or called. At the time fixed by continuance or otherwise the Court shall hear the cause and upon the finding of the accused guilty of the offense under this section shall have power and authority to enter and enforce such order or judgment as to the Court shall seem best fitted to ameliorate the evils resulting from the acts or omission of the accused affecting such delinquency, dependency or neglect. By way of punishment of the guilt ascertained the court may impose upon the defendant a fine of not more than one hundred dollars or a sentence of hard labor for the county for not more than twelve months or both such fine and sentence. The court shall have power to at any time suspend the operation of judgment rendered, for such a period, not exceeding six months, as it may determine, and may put the convicted defendant upon probation during the whole part of time or period of such suspension, all upon

conditions and terms as the Court may determine as expressed in its order of suspension or in any undertaking or obligation below provided for; and it shall have the power to require, or the Judge to agree that the defendant execute a bond, or covenant payable to the County with or without surety as the Judge or Court may determine, in such penalty or terms as the court may prescribe conditioned that the defendant will comply with orders of the Court, as the case may be recited in such covenant or bond and the court in its discretion shall have the power to release the defendant temporarily or on parole, during the whole or part of such suspension. The Judge shall approve such bond or covenant, have it entered in the records of the Court, retain the name, and whenever the defendant shall fail to comply or breaks its conditions or the agreement, the Judge may deliver the same over to the Court of County Commissioners for such action as it may take concerning the same. In the event a parole is revoked, the defendant shall be credited on the judgment with the time he was on parole or suspension. The Court may avail itself of the services of the Treasurer of the Juvenile Commission, and thereupon the Treasurer shall obey its orders, or the Judges or Clerk may be depository, and disbursing officer, on defendants compliance. The Juvenile Court shall have power to revoke suspension whenever the defendant's conduct makes it appear proper so to do, either by failure to comply, or upon violation of terms and conditions or otherwise. Revocation shall revive the judgment suspended or so much thereof as remains unfulfilled. Defendant shall have right to appeal from said order of revocation or judgment within thirty days after revocation, and upon appeal the case shall be tried de novo and a jury trial may be demanded in the same manner now provided by law. The Court may always issue process to take or retake a defendant into custody and for the exercise of jurisdiction. If defendant's guilt is not confessed, or his bond or covenant to perform accepted by the Court or Judge, he shall have right of appeal to the Circuit Court aforesaid. He shall take appeal by giving notice of appeal in open court, or else by written notice of appeal filed in Juvenile Court, all within thirty days after the day of rendition of the final judgment against him except as herein otherwise provided. If having appealed he make bond in penalty fixed by the Court or Judge, payable to the county, with sufficient surety or sureties, conditioned to appear in the Circuit Court trial at the time set and until discharged in due course of law, approved by the Judge of the Juvenile Court, then the defendant shall be released from custody by order of the Juvenile Court, and in the absence of such bond, so approved, he shall be confined in jail until he make such bond, and thereupon he shall be released by order of the Juvenile Court, for the time being. At any time

after his release he may be required by the Juvenile Court, for good cause, to make new or additional bond, or be recommitted to jail until he shall make such bond, or be discharged in due course of law. Notice of appeal may be withdrawn at any time before such bond is made. The clerk shall certify the appeal to the Circuit Court together with a transcript of the record and with all such papers in the causes as are necessary or proper to show the proceedings below, or pertinent to a hearing of appeal. On the appeal trial the defendant shall have a jury trial by demanding it in the same way and time, as on other appeals to the Circuit Court, for the trial of misdemeanors. The appeal case shall be tried in the Circuit court de novo and the Court, if without a jury, shall render such judgment as the Juvenile Court should have rendered under this Act. The Circuit Court shall have like discretion as the Juvenile Court. The Jury question shall be whether or not the defendant is guilty and the jury shall not impose the punishment, but the jury may make recommendations to the Court as to the extent of punishment, or whether the defendant shall be paroled or judgment suspended, but the Judge trying the case shall not be bound by the recommendation of the jury. The Court shall render judgment according to the verdict, unless it sets the verdict aside, and according to the provisions of this act, as well as according to its own practice, the defendant may appeal to the Court of Appeals or the Supreme Court, according to the jurisdiction of the Appellate Court, upon the same conditions and in the same way and in the same terms as provided for appeals from the Circuit Court. Whenever the appeal is not taken or judgment rendered in the highest court acquiring jurisdiction is certified down the judgment shall be certified by the Circuit Court to said Juvenile Court and be made a judgment of the latter court. If the defendant be thereby required to perform or pay anything he shall be remanded to the custody and powers of the Juvenile Court, and like proceedings shall go forward as if the judgment had been rendered by the Juvenile Court in the first instance or as if no appeal had been taken. If either of the Appellate Courts shall suspend the sentence or judgment rendered and put the defendant upon probation it shall have the power to do it, shall fix the conditions and terms thereof in its judgment and supervision and the defendant shall be likewise remanded to the Juvenile Court for its supervision and control, the same as if the Juvenile Court had itself put him on probation.

Section 20. Costs and Fees, Re-opening of cases. Costs or fees shall not be charged against any juvenile delinquent, neglected or dependent child. Costs and fees may in the discretion of the Judge be charged against those who contribute to the delinquency, dependency or neglect as specified under Section 19 of

this Act. The Juvenile Court shall have authority at any time to re-open any case on its docket for the purpose of discharging any person on its docket, or to change the punishment to a lesser punishment than the one inflicted under the original decree or judgment, and from said order, judgment or decree the defendant or juvenile delinquent, dependent, or neglected person may appeal as in other cases herein provided.

Section 21. Operating cost and expense duty of Revenue and Road Commission's Clerk, payment of half of expense by City. The Clerk of the Board of Revenue and Road Commissioners of said Counties, or whatever name they may be known by in said counties, shall present to the Board of Revenue and Road Commissioners of said Counties, or whatever name they may be known by in said counties, shall present to the Board of Revenue and Road Commissioners, or whatever name they may be known by in said counties, monthly statements showing true and correctly all the items of expense including all costs of transportation of juveniles and officers to and from institutions arising out of the operation and in connection with the juvenile court and the cost of maintenance of said juvenile court, not including the cost of furnishing quarters and the equipment thereof in the way of furniture, such as desks, chairs, tables, benches or other things that become a part of the realty, but including all other matters of expenses or cost. Such statement should be recorded in the minutes of the said Board of Revenue and Road Commissioners, or whatever other name they may be known by, shall cause a statement of such monthly expenditures so presented to it to be filed with the Board of City Commissioners of the municipality in which said court is established and exercises jurisdiction, or whatever name said Board of Commissioners or governing authority are known by. And it shall be the duty of said City to pay the County one-half the amount incurred for the operation of said Court.

Section 22. Operation and effect. This Act shall go into operation and effect in all its penal and other provisions, thirty days after its being approved by the Governor or becoming a law under the Constitution and without such approval. The Judge presiding, at the time of the approval of this Act or its becoming a law under the Constitution, without such approval of any Juvenile Court of any County to which this Act applies or is applicable shall hold office until the expiration of the term for which he was elected. The Clerk and all other officers of any such Juvenile Court, including any Juvenile Court Commission of any County to which this Act applies or is applicable, shall likewise be and become the respective officers of the new Juvenile Court created by the terms of this Act, and shall serve until their successors are duly appointed.

Section 23. Transfer of cases, books, papers, records, Whose duty to transfer, when. Upon this Act going into operation and effect all matters and cases pending in any other former juvenile court at the time created by the Legislature in any of said Counties to which this Act is applicable and all the books, papers, records, paraphernalia and property of every kind pertaining to such former Juvenile Court shall be transferred forthwith to the Juvenile Court herein and hereby created to be heard or treated in accordance with this Act. The duty of effectuating such transfer shall devolve upon the persons who were the Judge and Clerk respectively of said former Juvenile Court at the time this Act goes into operation and effect and the transfer shall be made at once.

Section 24. Repeal of former laws, Detention Home Acts not repealed. All the laws and part of any law in conflict with any of the provisions of this Act including all former local laws creating any Juvenile Court in and for any county or counties within the operation of this Act are hereby repealed. But nothing herein contained shall be construed as to repeal any portion of any local act providing for the detention homes for juvenile delinquents in any county to which this Act may be applicable. If any provisions or section of this Act shall be declared unconstitutional the remaining Sections or provisions thereof shall not be affected, but the same shall remain in full force and effect.

Approved September 9, 1927.

No. 573.)

AN ACT

(H. 490. Simpson

To amend section 6248 of the Code of Alabama, 1923. •

Be it Enacted by the Legislature of Alabama: That section 6248 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 6248. Who May Practice as Attorneys.—Only such persons as are regularly licensed have authority to practice law. For the purposes of this section of the Code, the practice of law is defined as follows: Whoever, (a) In a representative capacity appears as an advocate or draws papers, pleadings or documents, or performs any act in connection with proceedings pending or prospective before a court or a justice of the peace, or a body, board, committee, commission or officer constituted by law or having authority to take evidence in or settle or determine controversies in the exercise of the judicial power of the State or subdivision thereof; or, (b) For a consideration, reward of pecuniary benefit, present or anticipated, direct or indirect, advises or counsels another as to secular law,

or draws or procures or assists in the drawing of a paper, document or instrument affecting or relating to secular rights; or, (c) For a consideration, reward or pecuniary benefit, present or anticipated, direct or indirect, does any act in a representative capacity in behalf of another tending to obtain or secure for such other the prevention or the redress of a wrong or the enforcement or establishment of a right; or, (d) As a vocation, enforces, secures, settles, adjusts or compromises defaulted, controverted or disputed accounts, claims or demands between persons with neither of whom he is in privy or in the relation of employer and employe in the ordinary sense; Is Practicing Law. Nothing in this section shall be construed to prohibit any person, firm or corporation from attending to and caring for his or its own business, claims or demands; nor from preparing abstracts of title, certifying, guaranteeing or insuring titles to property, real or personal, or an interest therein, or a lien or encumbrance thereon. Any person, firm or corporation who is not a regularly licensed attorney who does an act defined in this section to be an act of practicing law, is guilty of a misdemeanor, and on conviction must be punished as provided by law. And any person, firm or corporation who conspires with, or aids and abets, another person, firm or corporation in the commission of such misdemeanor must, on conviction, be punished as provided by law.

Approved September 7, 1927.

No. 574.)

AN ACT

(H. 1167. Jeter

To provide for the extension of the term of office of all constables in counties of this State having a population of two hundred thousand or more according to the last or any subsequent Federal census for a period of two years from the time of the expiration of their present term of office, and to provide that the present incumbent shall continue to hold said office during said period of two years by which their term is extended; and to fix and prescribe the term of office of all constables in such Counties to be elected at the general election in November 1930 and thereafter.

Be it Enacted by the Legislature of Alabama:

Section 1. That the term of office of all constables in counties of this State having a population of two hundred thousand or more according to the last or any subsequent Federal census be and is hereby extended for a period of two years from the time of the expiration of their present term of office; the present incumbents of such offices shall continue to hold such offices during said two year period and until their successors are elected and qualified.

Section 2. That there shall be elected at the general election in November 1930 all constables in such counties who shall hold office for a term of six years and until their successors are elected and qualified.

Section 3. All laws and parts of laws in conflict or inconsistent with the provisions of this Act whether general, local or special be and the same are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon its approval by the Governor.

Approved September 2, 1927.

No. 575.)

AN ACT

(H. 995. Jeter

To extend the terms of all Judges of Inferior Courts created in lieu of Justices of the Peace, in Counties having a population of 200,000 or more, according to the last or any subsequent Federal census, and where such Judges of Inferior Courts are elected by the Judges of the Courts of record, or a portion of such Judges of Courts of record, in such Counties.

Be it Enacted by the Legislature of Alabama:

Section 1. That the terms of office of all Judges of Inferior Courts created in lieu of Justices of the Peace, in all Counties having a population of 200,000 or more, according to the last or any subsequent Federal census, and where such Judges of such Inferior Courts are elected by the Judges of the Courts of record, or by a portion of the Judges of the Courts of record, in said Counties, are hereby extended until the First day of January, 1933, and such Judges of such Inferior Courts shall hold office after said date until their successors are elected and qualified.

Section 2. That all laws and parts of laws, general or special, in conflict herewith are hereby repealed.

Approved September 2, 1927.

No. 576.)

AN ACT

(H. 474. Frey

To create an additional Judgeship for the Tenth Judicial Circuit of Alabama; to provide for the appointment and election of an incumbent thereof; and to prescribe the jurisdiction, power, authority, qualifications, duties and compensation of such incumbent.

Be it Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of Judgeship No. 11 of the Tenth Judicial Circuit of Alabama, which shall be

in addition to those Judgeships of said Circuit now existing. An incumbent shall be appointed by the Governor of Alabama within ten days from the passage and approval of this Act, and such incumbent shall hold office until the next general election and until his successor shall have been elected and qualified. At the next general election, and every six years thereafter, an incumbent shall be elected as other Circuit Judges are elected in this State.

Section 2. The incumbent of said Judgeship No. 11 shall have and exercise all the jurisdiction, power, rights, and authority, and shall possess all the qualifications, perform all the duties and be subject to all the pains, obligations and penalties that any other Judge of said Circuit may exercise, possess, perform or be subject to; provided it shall be the duty of the incumbent of said Judgeship to try all cases appealed from the Recorder's Courts of the City of Birmingham to the Circuit Court of said Judicial Circuit in preference to any other cases.

Section 3. The incumbent of said Judgeship shall receive the same salary payable in the same manner, as other Judges of said Circuit Court receive and are paid.

Section 4. This act shall take effect upon its approval by the Governor.

Approved September 2, 1927.

No. 577.)

(H. J. R. 326. Rogers of Mobile

HOUSE JOINT RESOLUTION

WHEREAS, a number of the employees in the various departments of the government of the State of Alabama did on yesterday tender a barbecue to the members of the legislature; and WHEREAS, the veteran legislators, Boswell De Graffenreid Waddell, able constitutional lawyer, and Sibley Holmes, authority on fish, fowl and medicine, did display their versatility in the culinary art by preparing the barbecue for their brother legislators; AND WHEREAS the members of the legislature had a most delightful outing and dinner; Now, THEREFORE, BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that we extend to the Capitol employees who tendered us this barbecue and to Boswell de Graffenreid Waddell and Sibley Holmes who cooked it our expression of appreciation of their courtesy.

Approved September 6, 1927.

No. 578.)

(H.J.R. 321. Frey

HOUSE JOINT RESOLUTION

WHEREAS, one of the finest Stadiums in the South will be dedicated in Birmingham, Alabama, on the 19th day of November, 1927, by Birmingham Post No. 1. of the American Legion; and,

WHEREAS, said Stadium has been officially named "Legion Field" by the Parks and Recreation Board of the city of Birmingham, and is intended as a memorial to all Alabamians who made the supreme sacrifice in the late war; and,

WHEREAS, Birmingham Post No. 1 of the American Legion is now engaged in raising \$50,000.00 with which to erect a memorial entrance to said Stadium, on which all the names of Alabama's dead in the late war will be permanently enrolled, and for this purpose, has arranged for Howard and Birmingham-Southern Colleges to play their annual football game in said Stadium, on said date, at the dedicatory game; and,

WHEREAS, by agreement between said Colleges and the Legion, the major portion of the proceeds of said game are to go to the Legion's memorial fund and be used exclusively for the said memorial entrance; and,

WHEREAS, said undertaking, in our opinion, is entitled to the cordial support of every patriotic citizen in this State;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA AS FOLLOWS:

1. That we approve and endorse the plan of Birmingham Post No. 1 of the American Legion to erect a memorial entrance to "Legion Field" in Birmingham in honor of Alabama's dead in the late war.

2. That we approve and endorse the Howard-Birmingham Southern football game to be played in "Legion Field" on November 19, 1927, under auspices of Birmingham Post No. 1 of the American Legion for the purpose of raising funds for said memorial.

3. That we accept the invitation of the American Legion to attend said game and participate in the dedicatory exercises of the day.

Approved September 2, 1927.

No. 579.)

(H. 480. Simpson)

AN ACT

To amend section 10293 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 10293 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 10293. Secretary of chief justice; salary of—The chief justice shall have a clerk or secretary who shall perform such duties as may be required of him or her by the chief justice and be paid an annual salary of fifteen hundred dollars, payable monthly out of the state treasury on warrants of the state auditor as other officers or employes are paid, on the certificate of the chief justice.

Approved September 6, 1927.

No. 580)

(H. 210. Ward of Geneva)

AN ACT

To authorize all cities and towns within the State of Alabama to fix and collect licenses for any business, trade or profession done outside the corporate limits but within the police jurisdiction thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. That any city or town within the state of Alabama may fix and collect licenses for any business, trade or profession done within the police jurisdiction of such city or town and without the corporate limits thereof; provided, however, that the amount of such licenses shall not be more than one-half the amount charged and collected as a license for like businesses, trade or profession done within the corporate limits of such city, fees and penalties excluded. Provided that this act shall not have the effect to repeal or modify the limitations provided by Sections 2157, 2158, 2159, 2160, 2161, 2162, of the Code of Alabama of 1923, relating to railroads, express companies, sleeping car companies, telegraph companies, telephone companies and public utilities.

Approved September 6, 1927.

No. 581)

(H. 1171. Morrow

AN ACT

To require in all Counties in this State having according to the last or any subsequent census, 200,000 inhabitants or more, State and County officers and other persons whose salaries, expenses or other claims are now payable upon warrants drawn upon the County Treasurer, by such officers, to be itemized, sworn to and presented to the Board of Revenue or other governing body of such Counties, for audit and allowance.

Be it Enacted by the Legislature of Alabama, as follows:

Section 1. That in all Counties in this State having according to the last or any subsequent Federal census 200,000 inhabitants or more, all State and County officers and other persons whose salaries, expenses or other claims are now payable upon warrants drawn upon the County Treasurer, by such officers, that such officers shall not hereafter be authorized to draw warrants upon the County Treasury of such County, but hereafter all such salaries or claims shall be itemized, sworn to and presented to the Board or other governing body of such County for audit and allowance, as other claims are now presented, audited and allowed by such Boards and the Treasurer shall be authorized to pay only such claims of such officers as are audited and allowed by such Boards and upon warrants issued for the same by such Boards, as other warrants of such Counties are now issued by such governing Boards.

Section 2. Provided that this act shall not have any effect upon the manner of payment of school funds or warrants drawn by the Boards of Education upon the Treasurer of School Funds.

Section 3. All laws and parts of laws conflicting herewith are hereby expressly repealed.

Approved September 6, 1927.

No. 582.)

(H. 1124. Miller of Sumter

AN ACT

In relation to the expenditure of the proceeds of a State Bond Issue of not exceeding Twenty Million (\$20,000,000.00) Dollars for the construction and improvement of permanent public school buildings and other educational buildings in Alabama; to provide for the expenditure of the proceeds of such part of a State Bond Issue allocated to the several counties of the State for the construction and the improvement of permanent public school buildings; to provide for the apportionment and expenditure of the proceeds of such part of a State Bond Issue allocated to the institutions of higher learning, including the normal schools; to authorize a state-wide school building survey, and to make an appropriation therefor.

Be it Enacted by the Legislature of Alabama:

Section 1. That the expenditure of the proceeds of the State Bond Issue allocated to the several counties of the State for the construction and the improvement of permanent public school buildings shall be under the general control of the State Board of Education under rules and regulations not inconsistent with the provisions of this Act, approved by said Board. Before any funds made available from the State Bond Issue for permanent public school buildings may be paid out of the State Treasury to any county, the county board of education shall submit for the approval of the State Board of Education a comprehensive survey of the building requirements of the whole county, including both rural and urban territory, which shall be known as the county-wide school building program. For the purpose of making the county-wide surveys the State Board of Education shall furnish the counties such assistance as may be required for directing the study and for organizing and analyzing the information upon the basis of which a county board of education and a city board or boards of education may intelligently adopt a county-wide school building program. In case the county board of education and the city board or boards of education cannot agree on a county-wide program, the State Board of Education shall have authority to arbitrate the difference and the decision of the State Board of Education shall be final.

Section 2. That it shall be the duty of the county board of education and the city board or boards of education upon the approval of a county-wide school building program to secure plans and specifications for new buildings or additions to buildings, provided that all plans and specifications of new buildings and additions shall first be approved by the State Board of Education before actual work of construction shall begin.

Section 3. That except as otherwise provided in this Act where the funds made available to the several counties, from the State Bond Issue for permanent public school buildings, are not sufficient in amount to provide for the estimated cost of construction of adequate school building facilities in accordance with the program approved by the State Board of Education, it shall be the duty of the county board of education and of the city board or boards of education, when included in the county-wide program, to secure additional funds by making appropriations from the county or district school taxes, or by the sale of county or district school warrants, or by sale of county or city bonds approved by the majority of the voters in an election called for this purpose as now authorized by law, or from donations from the county board of revenue or other body of like jurisdiction, or from city boards of education or city councils or commissions, or from private donations, subscriptions and gifts,

or from any other source from which may be secured funds for the erection of new buildings or additions to buildings.

Section 4. That before the actual work of construction shall begin, the necessary additional amounts must be provided or definitely arranged for and the fact certified to the State Superintendent of Education upon the receipt of which the State Superintendent of Education shall, with the approval of the Governor, authorize the release of Two Hundred Thousand (\$200,000.00) Dollars or so much thereof as may have been made available under the provisions of the law, allocated to the county out of the proceeds of the sale of the State Bond Issue for the construction and the improvement of permanent public school buildings, provided that in no case shall it be mandatory as provided in Section 3 of this Act to secure additional funds greater than the amount made available to the county from the State Bond Issue for permanent public school buildings. No aid shall be made available out of the State Bond Issue for the erection of or addition to any school building until the county board of education has filed in the office of the State Department of Education a deed in fee simple to the surface rights of five acres of land suitably located for school purposes, provided that if the building is located in a town of two thousand five hundred population or more according to the last Federal census the State Board of Education shall have authority to approve less than five acres for the school site. Provided further that in municipalities of over twenty five hundred population the title to such school sites shall be vested in the municipality receiving such aid.

Section 5. That when any City or County Board of Education shall apply for authority to use the proceeds of the State Bond Issue for the construction and improvement of permanent school buildings in payment of indebtedness, evidence shall be submitted setting out the fact that funds needed for the current expenses of the schools are required for the payment of interest and principal of such indebtedness, and that reasonable provision for school buildings and facilities for all the children of school age has already been or is being made.

Section 6. That the countywide school building program shall provide for the whole county, the rural and urban territory, and the funds allocated to the county from the proceeds of the State Bond Issue for the construction and improvement of permanent public school buildings shall be apportioned in such a manner as to afford as nearly as practicable the same or equivalent facilities to all the children of the county, so far as this can be done by carrying into effect the approved building program submitted to the State Board of Education in accordance with the provisions of this Act. In order that the building needs of the county may be thoroughly understood and presented, boards

of education in charge of schools not under the control of the county board of education shall meet with the county board of education to discuss the situation as it may exist at the time, as well as the needs for additional building accommodations for the schools under their control. The program submitted shall be the result of the joint deliberations of interested boards.

Section 7. That prior to the approval of any county-wide school building program by the State Board of Education, a state-wide study of the building requirements shall be made. The character of permanent construction most economical and available in the various sections of the State, the value and adequacy of the present school building facilities shall be noted and estimates shall be made as to the amounts needed to provide reasonably adequate facilities for all the public schools of the State. Other matters which may contribute to an intelligent survey of the public school building needs may be included in and made a part of the investigations herein provided for.

Section 8. That in order to carry out the provisions of this Section and for any other purpose which may in the judgment of the State Board of Education be of assistance to the said Board in passing upon the building program which may be submitted to it for approval, but not inconsistent with the provisions of this Act, there is hereby appropriated out of the State Treasury the sum of Twenty-five Thousand (\$25,000.00) Dollars, or so much thereof as may be needed, to be paid out upon requisitions of the State Superintendent of Education upon the State Auditor, who shall draw warrants for the amounts requisitioned in each and every instance.

Section 9. That the proceeds of the State Bond Issue allocated to the institutions of higher learning, including the normal schools, for the construction and improvement of permanent buildings shall be expended by the board having the management and control of each such institution sharing in the apportionment hereinafter provided. The funds as made available from the bond sales shall be paid over to the proper disbursing officer upon requisition of the proper executive officer of the several boards by and with the approval of the Governor.

Section 10. That the proceeds of the State Bond Issue for the construction and improvement of permanent school buildings, and for the payment of indebtedness on permanent buildings, allocated to the institutions of higher learning, including the normal schools, shall be apportioned to each institution in the following amounts: Alabama College One Million (\$1,000,000.00) Dollars. Alabama Polytechnic Institute One Million Two Hundred Fifty Thousand (\$1,250,000.00) Dollars. University of Alabama One Million Two Hundred Fifty Thousand (\$1,250,000.00) Dollars. Troy Normal School Seven Hundred Thousand

(\$700,000.00) Dollars. Florence Normal School Six Hundred Fifty Thousand (\$650,000.00) Dollars. Jacksonville Normal School Six Hundred Fifty Thousand (\$650,000.00) Dollars. Livingston Normal School Five Hundred Thousand (\$500,000.00) Dollars. Daphne Normal School Two Hundred Thousand (\$200,000.00) Dollars. Montgomery Normal School Two Hundred Fifty Thousand (\$250,000.00) Dollars. A. & M. Institute for Negroes Two Hundred Thousand (\$200,000.00) Dollars. Provided that all appropriation made in any Section of this Act for Daphne Normal School shall not be available unless the town or community of Daphne first provide at its own expense a suitable building site or suitable acreage for said State Normal School, approved by the Governor, the State Superintendent of Education and the Chairman of the State Board of Administration, at the present site or some new site nearby the present site, and in addition the town or community of Daphne shall make adequate provision for sanitary conditions, sewage disposal facilities, light, water, and a school district with a school population adequate for practice teaching facilities as required by the Standards of the American Association of Teacher's Colleges; and provided that when these conditions or provisions have been fully met by the town or community of Daphne as determined by the judgment or opinion of the Governor, the State Superintendent of Education, and the Chairman of the State Board of Administration, the Governor shall authorize the release of the appropriations as provided in this Act for the State Normal School located at Daphne. Provided further that if the State Normal School is moved from the present site at Daphne, in accordance with the provisions of this Section, all appropriations made to the State Normal School at Daphne provided for in this Act or heretofore or hereafter provided by law for the support of the said institution shall be applied and used exclusively for the Daphne State Normal School as re-located and for the same purposes as provided for in the Acts making the appropriations. Provided further that the Thirty Thousand (\$30,000.00) Dollars raised by the town or community of Daphne and paid into the school's treasury, in pursuance of an act adopted the 29th day of September, 1919, reported Acts 1919, page 741, is to be used and is required to be used in assisting or aiding the town or community of Daphne, in meeting or complying with the provisions and conditions imposed upon the said town or community of Daphne by this Act before the appropriations herein made for the Daphne Normal School are to be released or made available for the use of said Daphne Normal School, and nothing herein shall be construed to repeal the appropriations made by said Act of September 29, 1919, the condition herein made having been fully complied with. Provided that any funds in addition

to those specifically apportioned by this Act, and by the Constitutional amendment validating this Act, accruing from the sale of said State Bond Issue are hereby covered into the State Treasury to be used as an equalization building fund for the Institutions of higher learning, including Normal Schools and to be apportioned by the State Board of Education to the said several Institutions in proportion to their respective needs.

Section 11. That the State Board of Education is hereby directed and required to keep on file in the State Department of Education copies of plans and specifications of all buildings which have been erected out of the proceeds of the State Bond Issue for the construction and improvement of permanent school buildings, and that in order that all buildings erected under the provisions of this Act, in the several counties of the State, may be appropriately named, the county board of education or city board or boards of education shall in each and every case select suitable names for such buildings, and the State Board of Education is authorized to prescribe appropriate tablets and inscriptions which shall be placed in each of such buildings. Plans and specifications of all buildings constructed out of the proceeds of funds from the State Bond Issue for the construction and improvement of permanent buildings for the institutions of higher learning, including the normal schools, shall be filed with the Department of Archives and History, and appropriate names shall be given to all such buildings, and tablets or inscriptions approved by the several boards having control and management of the institution shall be placed in such buildings.

Section 12. That if the Supreme Court of the State shall hold any provision or provisions of this Act to be unconstitutional, such holding shall not affect any other provision of this Act.

Section 13. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 14. That the provisions of this Act shall become effective upon approval by the Governor; provided that the provisions of this Act relating to the expenditure of the proceeds of the sale of the State Bond Issue of not exceeding Twenty Million (\$20,000,000.00) Dollars for construction and improvement of permanent school buildings and other educational buildings in Alabama shall take effect when the proposed amendment to the Constitution of Alabama as provided in a bill entitled: "A Bill to be Entitled an Act to propose an amendment to the Constitution of the State of Alabama authorizing the State to construct and improve public school and other educational buildings in the State of Alabama and to this end to authorize the State to issue and sell negotiable interest bearing bonds to an amount not to exceed Twenty Million (\$20,000,000.00) Dollars, and to provide revenue and funds for the prompt and faithful payment of the

principal and interest on such bonds and to order an election by the qualified electors of the State upon such proposed amendment to be held on the second Tuesday in January, 1928," introduced in the present session of the Legislature of 1927, has been enacted into law and adopted as provided in the aforementioned bill.
Approved September 6, 1927.

No. 583.)

(H. 1037. Jeter

AN ACT

To fix the compensation of Circuit Clerks of all Counties of the State of Alabama having a population of more than 250,000 according to the last or any subsequent Federal census.

Section 1. *Be it Enacted by the Legislature of Alabama* that Circuit Clerks in all Counties of the State of Alabama having a population of more than 250,000 according to the last or any subsequent Federal census, shall receive a salary of six thousand dollars per annum, payable in equal monthly installments.

Section 2. Provided, however, nothing herein contained shall have the effect of increasing or decreasing in any manner the compensation of any Deputy Clerk holding office and performing the duties of Circuit Clerk.

Section 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 4. That this Act shall go into effect immediately after its passage.

Approved September 2, 1927.

No. 584.)

(H. 972. Tunstall

AN ACT

To make appropriations for the ordinary expenses of the executive and judicial departments of the State and for interest on the public debt.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the ordinary expenses of the executive and judicial departments of the State and for interest on the public debt for the fiscal years ending on the 30th day of September of 1928, 1929, 1930 and 1931, to be paid out of any moneys in the treasury not otherwise appropriated, the several sums of money hereinafter specified, or so much thereof as may be necessary.

Section 2. EXECUTIVE OFFICE: (1) For the compensation of the Governor Seventy-five Hundred Dollars (\$7,500.00) for every year. (2) For compensation of the Private Secretary to the Governor Thirty-six Hundred Dollars (\$3,600.00) for every year. (3) For compensation of the Recording Secretary Twenty-four Hundred Dollars (\$2,400.00) for every year. (4) For compensation of a clerk Two Thousand Dollars (\$2,000.00) for every year. (5) For compensation of a Stenographer Fifteen Hundred Dollars (\$1,500.00) for every year. (6) For compensation of a Messenger Nine Hundred Dollars (\$900.00) for every year.

Section 3. SECRETARY OF STATE. (1) For the compensation of Secretary of State Four Thousand Dollars, (\$4,000.00) for every year. (2) For compensation of the Chief Clerk Twenty-seven Hundred and Fifty Dollars (\$2,750.00) for every year. (3) For compensation of a File Clerk and Stenographer Eighteen Hundred Dollars (\$1,800.00) for every year. (4) For compensation of a Stenographer Twelve Hundred Dollars (\$1,200.00) for every year.

Section 4. STATE AUDITOR: (1) For compensation of the State Auditor Four Thousand Dollars (\$4,000.00) for every year. (2) For compensation of Chief Clerk Twenty-seven Hundred and Fifty Dollars (\$2,750.00) for every year. (3) For the compensation of the Warrant Clerk Twenty-seven Hundred and Fifty Dollars (\$2,750.00) for every year. (4) For compensation of the Assistant Warrant Clerk Sixteen Hundred and Eighty Dollars (\$1,680.00) for every year. (5) For compensation of the Land Clerk Twenty-one Hundred Dollars (\$2,100.00) for every year. (6) For compensation of the General Bookkeeper Twenty-four Hundred Dollars (\$2,400) for every year. (7) For compensation of the Disbursement Bookkeeper Eighteen Hundred Dollars (\$1,800.00) for every year. (8) For compensation of the Receipts Bookkeeper Twelve Hundred Dollars (\$1,200.00) for every year. (9) For compensation of the File and Record Clerk Sixteen Hundred and Eighty Dollars (\$1,680.00) for every year. (10) For compensation of the File Clerk Fifteen Hundred Dollars (\$1,500.00) for every year. (11) For compensation of the Stenographer, Twelve Hundred Dollars (\$1,200.00) for every year. (12) For compensation of the Chief Clerk of the Pension Department, Twenty-four Hundred Dollars (\$2,400.00) for every year. (13) For compensation of the Stenographer of the Pension Department Fifteen Hundred Dollars (\$1,500.00) for every year.

Section 5. STATE TREASURER: (1) For compensation of the Treasurer, Four Thousand Dollars (\$4,000.00) for every year. (2) For compensation of the Chief Clerk Twenty-seven Hundred and Fifty Dollars (\$2,750.00) for every year. (3) For

compensation of the Bond Clerk Two Thousand Dollars (\$2,000.00) for every year. (4) For compensation of the Receiving Clerk, Two Thousand Dollars, (\$2,000.00) for every year. (5) For compensation of the Disbursing Clerk Two Thousand Dollars, (\$2,000.00) for every year. (6) For compensation of the Warrant Clerk, Two Thousand (\$2,000.00) for every year. (7) For Compensation of the Clerk and Stenographer Twelve Hundred Dollars (\$1,200.00) for every year. (8) For compensation of the Pension Clerk Twelve Hundred Dollars (\$1,200.00) for every year.

Section 6. ATTORNEY GENERAL: (1) For compensation of the Attorney General Six Thousand Dollars (\$6,000.00) for every year. (2) For compensation of the First Assistant Attorney General Five Thousand Dollars (\$5,000.00) for every year. (3) For compensation of the Second Assistant Attorney General Four Thousand Dollars (\$4,000.00) for every year. (4) For compensation of the Third Assistant Attorney General Thirty-six Hundred (\$3,600.00) for every year. (5) For compensation of the Fourth Assistant Attorney General Thirty-six Hundred Dollars (\$3,600.00) for every year. (6) For compensation of the Fifth Assistant Attorney General Three Thousand Dollars (\$3,000.00) for every year. (7) For compensation of two stenographers Fifteen Hundred Dollars each (\$1,500.00) for every year. (8) For compensation of a stenographer Thirteen Hundred and Twenty Dollars (\$1,320.00) for every year.

Section 7. ARCHIVES AND HISTORY: (1) For compensation of the Director of the Department of Archives and History, Four Thousand Dollars, (\$4,000.00) for every year. (2) compensation of the Chief Clerk Twenty-four Hundred Dollars (\$2,400.00) for every year. (3) For the compensation of Curator, Three Thousand Dollars, (\$3,000.00) for every year. (4) For compensation of the Librarian Two Thousand Dollars (\$2,000.00) for every year. (5) For compensation of the stenographer and Statistician Fifteen Hundred Dollars (\$1,500.00) for every year. (6) For compensation of the book-keeper, Twelve Hundred Dollars (\$1,200.00) for every year. (7) For compensation of the File Clerk Twelve Hundred Dollars (\$1,200.00) for every year. (8) For compensation of the War Records Clerk Fifteen Hundred Dollars (\$1,500.00) for every year. (9) For compensation of the Military Clerk Twelve Hundred Dollars (\$1,200.00) for every year; provided, however, that none of the appropriations mentioned in this section above shall be available to pay any assistant except when such assistant's employment be with the consent and approval of the Governor, and that none of this appropriation shall be available until the Governor has approved the appointment of the person to fill the position hereinabove provided for. (10) For filing equipment for the year ending

September 30, 1928 Sixty-eight Hundred and Fifty Dollars (\$6,850.00). (11) For filing equipment for the years ending September 30, 1929, 1930, and 1931, respectively, Eighteen Hundred and Fifty Dollars (\$1,850.00) for every year. (12) For traveling expenses Seven Hundred and Fifty Dollars. (\$750.00) for every year. (13) For stationery and office supplies Fifteen Hundred Dollars (\$1,500.00) for every year. (14) For books and periodicals, Twelve Hundred Dollars (\$1200.00) for every year. (15) For postage Six Hundred Dollars (\$600.00) for every year. (16) For binding books and papers Two Thousand Dollars (\$2,000.00) for every year. (17) For printing blanks, bulletins etc. Two Hundred and Fifty Dollars (\$250.00) for every year. (18) For manual labor Twelve Hundred Dollars (\$1200.00) for every year. (19) For miscellaneous requirements of the Department Two Hundred and Fifty Dollars (\$250.00) for every year.

Section 8. STATE TAX COMMISSION: (1) For compensation of the Chairman of the State Tax Commission Four Thousand Dollars (\$4,000.00) for every year. (2) For compensation of the four Associate members of the Tax Commission Four Thousand Dollars (\$4,000.00) each for every year. (3) For compensation of the Secretary Twenty-four Hundred Dollars (\$2,400.00) for every year. (4) For the compensation of the necessary clerks and assistants, for traveling expenses, and all other necessary expenses of the Department Two Hundred Thousand Dollars (\$200,000.00) for every year.

Section 9. BANKING DEPARTMENT: (1) For the compensation of the Superintendent of Banks Six Thousand Dollars (\$6,000.00) for every year. (2) For the compensation of Assistant Superintendent of Banks Forty-two Hundred Dollars (\$4,200.00) for every year. (3) For the compensation of six Bank Examiners Three Thousand Dollars (\$3,000.00) each for every year. (4) For the compensation of three stenographers Eighteen Hundred Dollars (\$1,800.00) each for every year. (5) For the compensation of the Liquidating Agent Three Thousand Dollars (\$3,000.00) for every year. (6) For the payment of the traveling expenses of the members of the Department Twelve Thousand Eight Hundred Dollars (\$12,800.00) for every year.

Section 10. MILITARY DEPARTMENT. (1) For the compensation of the Adjutant General Four Thousand Dollars (\$4,000.00) for every year. (2) For the compensation of the Assistant Adjutant General Twenty-four Hundred Dollars (\$2,400.00) for every year. (3) For the compensation of the State Property and Disbursing Officer Three Thousand Dollars (\$3,000.00) for every year. (4) For the compensation of the United States Property and Disbursing Officer Twenty-four Hundred Dollars (\$2,400.00) for every year. (5) For the compensation of Assistant

Property and Disbursing Officer Twenty-four Hundred Dollars (\$2,400.00) for every year. (6) For the compensation of an Assistant Property and Disbursing Officer Two Thousand Dollars (\$2,000.00) for every year. (7) For the compensation of an Assistant Property and Disbursing Officer Fifteen Hundred Dollars (\$1,500.00) for every year. (8) For the compensation of a clerk and stenographer Eighteen Hundred Dollars (\$1,800.00) for every year. (9) For the compensation of two clerks and Stenographers Twelve Hundred Dollars (\$1,200.00) each for every year. (10) For the organization allowances and other departmental expenses Seventy-one Thousand Seven Hundred Dollars (\$71,700.00) for every year.

Section 11. MINE INSPECTORS. (1) For the compensation of the Chief Inspector of Mines Four Thousand Dollars (\$4,000.00) for every year. (2) For the compensation of nine District Mine Inspectors Three Thousand Dollars (\$3,000.00) each for every year. (3) For the compensation of the Chief Clerk Twenty-four Hundred Dollars (\$2,400.00) for every year. (4) For the compensation of the stenographer One Thousand and Twenty Dollars (\$1,020.00) for every year. (5) For the payment of the traveling and other expenses of the Department such sum as may be necessary.

Section 12. PRISON INSPECTOR: (1) For the Compensation of the State Prison Inspector Four Thousand Dollars (\$4,000.00) for every year. (2) For the compensation of the Chief Clerk Two Thousand Dollars (\$2,000.00) for every year. (3) For the compensation of the Deputy Inspector Eighteen Hundred Dollars (\$1,800.00) for every year. (4) For the compensation of a stenographer Twelve Hundred Dollars (\$1,200.00) for every year. (5) For the payment of traveling expenses and other expenses of the Department Four Thousand Dollars (\$4,000.00) for every year.

Section 13. LAW ENFORCEMENT DEPARTMENT: For the compensation of the members of the Department, for traveling expenses and all other expenses of the Department One Hundred Thousand Dollars (\$100,000.00) for every year.

Section 14. DEPARTMENT OF EXAMINER OF ACCOUNTS: For the salaries and traveling expenses of the Chief Examiner of Accounts and the Assistant Examiner of Accounts One Hundred Thousand Dollars (\$100,000.00) for every year.

Section 15. BUDGET COMMISSION: For the compensation of the six members of the Budget Commission Twelve Hundred Dollars each (\$1,200.00) for every year.

Section 16. CONVICT DEPARTMENT: For the maintenance of the Convict Department such sum as may be necessary

to meet the expenses of such department in the event the receipts arising from the operation of the Department should at any time prove insufficient therefor.

Section 17. SPECIAL APPROPRIATIONS: (1) For the Governor's Contingent Fund Twenty-five Thousand Dollars (\$25,000.00) for every year. (2) For Governor's Mansion Repair Fund One Thousand Dollars (\$1,000.00) for every year, and for light, heat, service and other expenses incident thereto the sum of Two Hundred Dollars (\$200.00) for each and every month payable on requisition of the Governor. (3) For fuel, lights and water Twenty Thousand Dollars (\$20,000.00) for every year. (4) Postage and post-office box rent Ten Thousand Dollars (\$10,000.00) for every year. (5) For stationery and office supplies Twenty Thousand Dollars (\$20,000.00) for every year. (6) For repairing and refurnishing the Capitol Twenty Thousand Dollars (\$20,000.00) for every year. (7) For additions and enlargements to the Capitol One Hundred Thousand Dollars (\$100,000.00) for every year. (8) For public printing Fifty Thousand Dollars (\$50,000) for every year. (9) For telephone and telegraph Five Thousand Dollars (\$5,000.00) for every year. (10) For publishing Governor's Proclamation a lump sum of Forty Thousand Dollars (\$40,000.00) for the quadrennium, to be available when needed. (11) For insurance on the Capitol and Capitol buildings Twelve Thousand Five Hundred Dollars (\$12,500.00) for every year. (12) For premiums on official bonds Five Thousand Dollars (\$5,000.00) for every year. (13) For interest on constitutional loans Fifteen Thousand Dollars (\$15,000.00) for every year. (14) For the Governor's Interest Contingent Fund One Hundred Thousand Dollars (\$100,000.00) for every year. (15) For distributing public documents Eighteen Hundred Dollars (\$1,800.00) for every year. (16) For repairs and improvements to residence property owned and rented by the State Three Thousand Dollars (\$3,000.00) for every year. (17) For feeding prisoners One Hundred and Sixty Thousand Dollars (\$160,000.00) for every year. (18) For the arrest of absconding felons Three Thousand Dollars (\$3,000.00) for every year. (19) For the removal of prisoners Seventy-five Hundred Dollars (\$7,500.00) for every year. (20) For the per diem and mileage of the Presidential Electors Eight Hundred Dollars for the Quadrennium, to be available when needed. (21) For interest on bonded debt of the State Three Hundred and Thirty-nine Thousand Seven Hundred and Twenty Dollars (\$339,720.00) for every year. (22) For the re-union of Confederate Veterans One Thousand Dollars for every year. (23) For the White House of the Confederacy Twenty-five Hundred Dollars for every year. (24) For the Confederate Museum at Richmond, Virginia Two Hundred and Fifty Dollars (\$250.00) for every

year. (25) For payment of obligations already incurred in connection with the purchase of real property in the City of Montgomery in proximity of the Capitol, under the Act to authorize the Governor, the Chief Justice of the Supreme Court and the Attorney General to acquire for the use of the State additional property, approved October 1, 1923, the lump sum of Seventy Thousand (\$70,000.00) to be available when needed.

Section 18. MISCELLANEOUS: (1) For the compensation of the Capitol Watchmen Six Thousand Three Hundred Dollars (\$6,300.00) for every year. (2) For the compensation of Temporary Clerks in the various State departments, such sum as may be necessary. (3) For the compensation of the Capitol Electrician Eighteen Hundred Dollars (\$1,800.00) for every year.

Section 19. SUPREME COURT: (1) For the compensation of the Chief Justice of the Supreme Court Seventy-five Hundred Dollars (\$7,500.00) for every year. (2) For the compensation of the Six Justices of the Supreme Court Seventy-five Hundred Dollars (\$7,500.00) each for every year. (3) For the compensation of the Clerk of the Supreme Court Four Thousand Dollars (\$4,000.00) for every year. (4) For the compensation of the Assistant Clerk of the Supreme Court Two Thousand four Hundred (\$2,400.00) for every year. (5) For the compensation of the stenographer Twelve Hundred Dollars (\$1,200.00) for every year. (6) For the compensation of the Reporter Thirty Six Hundred Dollars (\$3,600.00) for every year. (7) For the compensation of a stenographer Ten Hundred and Twenty Dollars (\$1,020.00) for every year. (8) For the compensation of the Secretary to the Chief Justice Fifteen Hundred Dollars (\$1,500.00) for every year. (9) For the compensation of two Secretaries to the Court Twenty-four Hundred Dollars (\$2,400.00) each for every year. (10) For the compensation of the Librarian Three Thousand Dollars (\$3,000.00) for every year. (11) For the compensation of Assistant Librarian Fifteen Hundred Dollars (\$1,500.00) For every year. (12) For the compensation of a servant Six Hundred Dollars (\$600.00) for every year.

Section 20. COURT OF APPEALS. (1) For the compensation of the Presiding Judge of the Court of Appeals Sixty-Six Hundred Dollars (\$6,600.00) for every year. (2) For the compensation of the two Associate Judges of the Court of Appeals Sixty-Six Hundred Dollars (\$6,600.00) each for every year. (3) For the compensation of the Clerk of the Court of Appeals Three Thousand Dollars (\$3,000) for every year. (4) For the compensation of the Assistant Clerk Seventeen Hundred and Fifty Dollars (\$1,750.00) for every year. (5) For the compensation of the Secretary Two Thousand Dollars (\$2,000.00) for every year. (6) For the compensation of Assistant Secretary Fifteen Hundred Dollars (\$1,500.00) for every year.

Section 21. JUDICIAL CIRCUITS. (1) For the compensation of forty Judges of the Circuit Court Five Thousand Dollars (\$5,000.00) each for every year and not more than \$500.00 per year for expenses, as provided by law. (2) For the compensation of the twenty-three Circuit Solicitors and their assistants Ninety one Thousand Two Hundred Dollars (\$91,200.00) for every year. (3) For the traveling expenses of the Judges of the Circuit Courts and the Circuit Solicitors Four Thousand Dollars (\$4,000.00) for every year.

Section 22. That for the payment of all obligations of the State not herein specifically enumerated, such annual sum as may be necessary is hereby appropriated, and whenever any office has been created, or whenever the salary of any existing officer has been increased, and the money has not been expressly appropriated to pay the salaries of the officers whose offices have been created or to pay the salaries which have been so increased, there is hereby appropriated such sum or sums as may be necessary to pay the same at the rate and in the manner authorized and required under existing law.

Section 23. That the appropriation herein made for any department, office or activity of the State, shall be in lieu of any and all existing specific appropriations to such department, office or activity.

Section 24. That in the event any section, clause or provision of this Act shall be held to be unconstitutional and void, such holding shall not affect the validity of any other section, clause or provision of this Act.

Section 25. Whenever the employment of any clerical assistance in addition to that prescribed by this Act in any of the State Departments may become necessary in the transaction of the public business, the head of such department must certify to the President of the State Board of Administration, an application for such additional force, setting forth the contingency and the nature and extent of the work to be done and that the same cannot be performed within the time that the public interest requires by the regular force employed in such department and thereupon the President of the Board of Administration—being satisfied that the public interest demands such service, must certify his approval to the Governor. In the event the Governor approves such employment, he must issue an order authorizing the employment of such clerical assistance for such time as the President of the Board of Administration certified was necessary and cause the application and order to be filed with the President of the Board of Administration, who shall, upon the Governor's approval, make such appointment.

Section 26. When the salary or compensation of any officer or employee, as fixed in this Act, has heretofore been paid out of

the appropriation made to such particular department for its maintenance or expenses, the salaries or compensations so fixed by this Act shall continue to be paid out of such appropriation for such particular department and the fixing of such salaries or compensations specified in this Act shall not be construed as an additional appropriation in such instances to the appropriation for the maintenance or expenses of the Department.

Section 27. This Act shall become operative October 1, 1927.

Approved Sept. 7, 1927.

No. 587.)

AN ACT

(H. 724. Powell)

To provide for and submit to the qualified electors of the State of Alabama an amendment to the Constitution of Alabama fixing the salaries and compensations and allowances to be paid to the Judge of Probate, the Tax Assessor and the Tax Collector, the Clerk of the Circuit Court, the County Solicitor and the County Treasurer, of Walker County, requiring the said officers to cover the fees collected by them into the county treasury of Walker County and authorizing the disposition of said funds, and empowering the Legislature thereafter to fix and regulate and alter the cost, charges, and fees and salaries of such officers, including the method and basis of their compensation, and calling and ordering an election by the qualified voters of the State of Alabama upon such proposed amendment, such election to be held on the second Tuesday next after three months after the date of the final adjournment of this session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed, to be submitted to the qualified voters of Alabama for their consideration, as hereafter set forth, viz: "Commencing at the beginning of their next term of office subsequent to the general election to be held on the first Tuesday after the first Monday of November, 1928, the compensation and allowance of the following named county officers of Walker County shall be as follows: Salary of Judge of Probate of Walker County, \$5,000.00 per year, net; allowance of \$7,500.00 per annum for office expenses as follows: one clerk, at \$2,100.00 per annum; two clerks at \$1,500.00 per annum, each; and \$2,400.00 per annum for all other expenses, including extra clerks. The said \$2,400.00 to be paid to the Judge of Probate in monthly instalments and disbursed by him. The Tax Assessor of Walker County shall receive a salary of \$4,000.00 per year, net; allowance of \$2,100.00 per year for a chief clerk in said office; \$1,200.00 for an assistant clerk in said office, and \$700.00 per year for extra help and other expenses. The Tax Collector of Walker County shall receive a salary of \$4,000.00 per year, net;

allowance of \$1,500.00 per year for his clerk in said office and \$1,000.00 for extra help and other expenses. The Circuit Clerk of Walker County shall receive a salary of \$3,600.00 per year, net; allowance of \$1,800.00 per year for chief clerk in said office and \$1,000.00 for extra help and other expenses. The County Solicitor of Walker County shall receive a salary of \$2,400.00 per year, net; The County Treasurer of said county shall receive a salary of \$2,400.00 per year, net. The above named amounts shall be in lieu of all compensations and allowances to the respective named officers. The above named officers shall collect the fees heretofore collected by them, or allowed by law for such services, and shall cover such fees into the county treasury on the first Monday of each month, to be kept in a separate fund to be designated as 'The Salary Fund'; that out of such funds the above named amounts for salaries and allowances for said officers shall be paid as the salaries of other county officers are paid; that the residue or remainder of such fund shall be paid by the County Treasurer or other custodian of such funds into the treasury of the school funds of Walker County, and shall become a part of the school funds of said county and to be used by the Board of Education of Walker County in furnishing to the school children of said county free school text books beginning with the pupils enrolled in the first grade and adding grade by grade as rapidly as the funds accruing become adequate up to and including the sixth grade, and to pay incidentals when there is an amount over and above that required for the purchase of text books, until changed or modified by local or general laws. The Board of County Commissioners or other governing body of Walker County shall provide said officers with necessary quarters, books, stationery and other conveniences. The Legislature of Alabama may hereafter, from time to time, by local or general laws, fix, regulate and alter the amount of the above named salaries and allowances, including the method and basis of their compensation, also fix, regulate and alter amount of compensation received by all other county officers of said county."

Section 2. It is hereby ordered by the Legislature that an election by the qualified voters of this state upon the aforesaid proposed amendment to the Constitution of Alabama be held on the second Tuesday next after three months after the date of the final adjournment of this session of the Legislature.

Section 3. That notice of the election hereby ordered together with the amendment hereby proposed shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 4. The expenses of the election herein provided for and the cost of the publication of the notices shall be paid out of the Treasury of the State in the same manner as the expenses of other elections are paid.

Approved September 6, 1927.

No. 592)

AN ACT

(H. 832. Morrow

To amend Section 6766 of the Code of 1923.

Be it Enacted by the Legislature of Alabama that Section 6766 of the Code of Alabama be amended so as to read as follows "The courts of county commissioners, boards of revenue or like governing bodies shall make a semi-annual publication on the first day of January and July of each year, in a newspaper published in the county, of an itemized report, showing the receipts and expenditures of money for the county, specifying particularly the sources from which received, and the purpose for which expended. Said publication must also show the entire indebtedness of the county, of whatever kind and character, specifying particularly the amount of bonds outstanding, their character and when due; the amount of the outstanding warrants, whether interest-bearing or not, and if interest-bearing, the rate of interest, for what said warrants were issued and when due and payable; provided, however, that in all counties having a population of two hundred thousand or more, according to the last or any subsequent Federal Census, that the report above provided for shall be published annually on the first day of October of each year.

Approved September 6, 1927.

No. 593.,

(H. 853. Simpson

AN ACT

To appropriate the sum of \$1,200.00 for the relief of Clifton E. Clements.

WHEREAS Clifton E. Clements while acting in line of duty with the National Guard of Alabama on the 12th day of January, 1920 received injuries as a result of which he lost his right leg by amputation at a point to-wit six inches below the hip joint and whereas no adequate compensation has been paid the said Clements for the said loss.

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor be and is hereby authorized and directed to issue his warrant on the State Treasurer in favor of the said Clifton E. Clements for the sum of twelve hundred (\$1,200.00) dollars which shall be paid by the State Treasurer out of any funds in the State Treasury not otherwise appropriated.

Approved September 6, 1927.

No. 594)

AN ACT

(H. 806. Frey

To provide for the commitment of veterans of any war, military occupation or expedition, who are of unsound mind, to a United States Veterans' Bureau hospital for restraint, care and treatment.

Be it Enacted by the Legislature of Alabama:

Section 1. When any person of unsound mind is entitled to hospitalization and treatment at the expense of the United States Veterans' Bureau under and by virtue of any act of Congress of the United States to provide for hospital care and treatment of veterans of any war, military occupation or expedition, the Probate Court has authority, and it is the duty of such court to commit such person or persons to a hospital or institution, when available, operated and maintained by the United States Veterans' Bureau, for restraint, care and treatment of veterans of wars, military occupations, or expeditions, as defined in said Act of Congress of the United States, provided that such commitment shall be determined by the Probate Courts of this State in accordance with the laws now in force in this State governing proceedings to determine insanity, and provided further that the commitment herein provided for shall be in addition to the laws now in force in this State governing the restraint, care and treatment of persons of unsound mind.

Section 2. Before any person is committed to a hospital under the preceding Section, there shall be filed in the Probate Court of the County in which such person of unsound mind is then residing, an application by a relative, friend or other disinterested party, alleging that the person desiring to be placed in a United States Veterans' Bureau Hospital is of unsound mind. This application must be accompanied by a certificate signed by a duly authorized agent of the United States Veterans' Bureau, which said certificate must allege that the person to be placed in such United Veterans' Bureau Hospital is entitled to hospitalization and treatment at the expense of the United States Veterans' Bureau: that facilities are available for his or her res-

traint and hospitalization; and that he or she will be accepted for treatment; and said certificate shall also designate the name and location of the hospital to which the admission of such person will be granted. Upon the filing of such certificate the Judge of Probate must proceed to determine the sanity of such person after the manner now in such cases provided for by law, and if such person is determined to be of unsound mind, the Probate Judge shall order that he be committed to the hospital designated in the certificate filed by the United States Veterans' Bureau.

Approved September 6, 1927.

No. 595)

AN ACT

(H. 17 Ware

To amend section 9604 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

That Section 9604 of the Code of Alabama of 1923 be and the same is hereby amended to read as follows: (9604. Stationery of officers paid for by county.—The Judge of Probate, Tax Assessor, Tax Collector, Register of the Circuit Court in Equity, Clerk of the Circuit Court, Sheriff and the County Treasurer or Custodian must be allowed reasonable expenses, for suitable books, stationery, postage stamps used exclusively for official business, and telephones to be paid for by the county, on the approval of the Court of County Commissioners, Board of Revenue or other like governing body, and the Judge of Probate shall also be allowed expense for his seal of office, to be paid for by the county.

Approved September 6, 1927.

No. 596.)

AN ACT

(H. 114. Sanderson

To regulate the feeding of prisoners in county jails, and to provide the manner of payment for the feeding of such prisoners, by amending sections 3, 4, 5, 8, and 9 of an Act entitled "An Act to regulate the feeding of prisoners in county jails; to provide the manner and method of payment therefor" approved September 29th, 1923, and to amend section 4859 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That section 3 of an Act entitled "An Act to regulate the feeding of prisoners in county jails; to provide the

manner and method of payment therefor," approved September 29th, 1923, be and the same is hereby amended so as to read as follows: Section 3. Food for prisoners in the county jails, except as otherwise provided by existing laws, shall be paid for by the State as follows; There shall be allowed, such amount as is actually necessary, for food for each prisoner daily, but the said amount so allowed cannot exceed forty-five cents per capita.

Section 2. That section 4 of an Act entitled "An Act to regulate the feeding of prisoners in county jails; to provide the manner and method of payment therefor," approved September 29th, 1923, be and the same is hereby amended so as to read as follows: Section 4. There shall be allowed the sheriff for preparing and serving food the additional amount of twenty-five cents a day per capita for each prisoner up to and including five; twenty cents a day per capita for each prisoner in excess of five up to and including ten; and five cents a day per capita for each prisoner in excess of ten up to and including eighty-five, but there shall be no further allowance for any number of prisoners in excess of eighty-five. The minimum allowance to sheriffs under this section shall be not less than \$1.25 per day, to be paid whether there is a prisoner confined in the jail or not; provided the jail over which the sheriff has custody is not closed while undergoing repairs or for other cause.

Section 3. That section 5 of an Act entitled "An Act to regulate the feeding of prisoners in county jails; to provide the manner and method of payment therefor," approved September 29th, 1923, be and the same is hereby amended so as to read as follows: Section 5. That the sheriffs who are on a salary basis by virtue of an amendment to the Constitution of Alabama shall not receive the allowance as provided for in this Act for the feeding of prisoners and preparing and serving such food, but such allowance as provided herein shall be paid into the County Treasury, and the Board of Revenue or Court of County Commissioners or other courts of like jurisdiction of such county shall be required and it shall be their duty to furnish the sheriffs of such county with the help necessary for the preparing and serving such food, and shall pay for same out of the county treasury of such county. The selection of such help to be made by the Sheriff of such county.

Section 4. That section 8 of an Act entitled "An Act to regulate the feeding of prisoners in county jails; to provide the manner and method of payment therefor," approved September 29th, 1923, be and the same is hereby amended so as to read as follows: Section 8. That all records shall be kept and statement made on forms prescribed and furnished by the State Prison Inspector and the State Auditor. It shall be the duty of the State Prison Inspector and he is hereby given the authority to supervise either

in person, or by deputy, the feeding of all prisoners in the jails of this State. The Sheriffs shall not be required to prepare and make out what is commonly known as the daily ration sheet or expense account, which means a daily record of foods served to prisoners.

Section 5. That section 9 of an Act entitled "An Act to regulate the feeding of prisoners in county jails; to provide the manner and method of payment therefor," approved September 29th, 1923, be and the same is hereby amended so as to read as follows: Section 9. On or before the tenth day of each month the sheriff shall send to the State Prison Inspector, and to the Court of County Commissioners or Board of Revenue, an itemized statement, setting out each kind of foodstuff served, with the amount and cost of same, and the number of prisoners fed, during the month next preceding. The sheriff shall keep on file invoices and supporting papers of all foodstuffs purchased or provided, showing the date and amount of such purchases and the cost of same.

Section 6. That section 4859 of the Code of Alabama 1923, be and the same is hereby amended so as to read as follows: Section 4859. The inspector may formulate and promulgate such rules and regulations as he may deem necessary with reference to hygiene, sanitation, cleanliness, healthfulness, feeding of prisoners, management and security of all jails, including town and city prisons, and almshouses and such rules and regulations shall have the same force and effect as law provided that this section cannot be construed as authorizing the State Prison Inspector to require the sheriff to make out what is commonly known as the daily ration sheet or expense account.

Section 7. If any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any Court of competent jurisdiction such holding shall not affect any other section, clause, provision or portion of this Act which is not in and of itself unconstitutional.

Section 8. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 9. This Act shall go into effect on the 1st day of October, 1927.

Approved September 6, 1927.

No. 597.)

(S. 114. Fite

AN ACT

To provide for Organization, Operation and Supervision of Cooperative Savings and Credit Associations to be termed "Credit Unions" and to define their powers.

Be it Enacted by the Legislature of Alabama:

Section 1. Organization and Definition: Any seven residents of the State of Alabama may apply to the Superintendent of Insurance for permission to organize a credit union. A credit Union is a cooperative society, incorporated for the twofold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, particularly among groups of industrial workers and farmers, fraternal and religious organizations, and in those communities where the citizens of the state are distantly removed from convenient centers of business or easy access to financial agencies now provided for by laws of Alabama. A credit Union is organized in the following Manner: (a) The applicants execute in duplicate a certificate of organization by the terms of which they agree to be bound. The certificate shall state: (1) The name and location of the proposed credit union. (2) The names and addresses of the subscribers to the certificate and the number of shares subscribed by each. (3) The par value of the shares of the credit union which shall not exceed \$10.00 each. (b) They next prepare and adopt by-laws for the general governance of the credit union consistent with the provisions of this Act, and execute the same in duplicate. (c) The certificate and by-laws, both executed in duplicate, are forwarded to the said superintendent of Insurance. (d) The said Superintendent of Insurance shall within thirty days of the receipt of said certificate and by-laws, determine whether they conform with the provisions of this Act, and whether or not the organization of the credit union in question would benefit the members of it and be consistent with the purpose of this Act. (e) Thereupon the said Superintendent of Insurance shall notify the applicants of his decision. If it is favorable he shall issue a certificate of approval, attached to the duplicate certificate of organization and return the same, together with the duplicate by-laws to the applicants. (f) The applicants shall thereupon file the said duplicate of the certificate of organization, with the certificate of approval attached thereto, with the Judge of Probate of the County within which the Credit Union is to do business, who shall make a record of said certificate and return it, with his certificate of record attached thereto, to the said Superintendent of Insurance for permanent record. (g) Thereupon the applicants shall become and be a credit union, incorporated in accordance with the

provisions of this Act. In order to simplify the organization of credit unions the said Superintendent of Insurance shall, upon the passage of this Act, cause to be prepared an approved form of certificate of organization and a form of by-laws, consistent with this act which may be used by credit union incorporators for their guidance, and on written application of any seven residents of the State, shall supply them without charge with a blank certificate of organization and a copy of said form of suggested by-laws.

Section 2. Amendments: Any and all amendments to the by-laws must be approved by the said Superintendent of Insurance before they become operative.

Section 3. Restriction: It shall be a misdemeanor for any person, Asssocation, copartnership or corporation (except corporations organized in accordance with the provisions of this Act) to use the words "credit union" in their name or title. A corporation organized under the provisions of this Act shall include in its corporate name or title, the words "credit union."

Section 4. Powers: A credit union shall have the following powers: (a) To receive the savings of its members either as payment on shares or as deposits (including the right to conduct Christmas Clubs, Vacation Clubs and other such thrift organizations within the Membership.) (b) To make loans to members for provident or productive purposes. (c) To make loans to a cooperative society or other organization having membership in the credit union. (d) To deposit in state and National banks and, to an extent which shall not exceed twenty-five per cent of its capital, invest in the shares of building and loan associations and of other credit unions. (e) To invest in any investment legal for savings banks or for trust funds in the state. (f) To borrow money from any source and to give its note therefor, provided that such borrowing shall not at any time exceed fifty percent of its assets.

Section 5. Membership: Credit union membership shall consist of the incorporators and such other persons as may be elected to membership and subscribe to at least one share, pay the initial installment thereon and the entrance fee. Organizations (incorporated or otherwise) composed for the most part of the same general group as the credit union membership may be members. Credit union organization shall be limited to groups (of both large and small membership) having a common bond of occupation, or association or to groups within a well defined neighborhood, community or rural district.

Section 6. Reports, etc.; Credit unions shall be under the supervision of the Superintendent of Insurance. They shall report to him at least annually on or before the first day of February on blanks supplied by the said Superintendent of Insur-

ance for that purpose. Additional reports may be required. Credit Unions shall be examined at least annually under the direction of the Superintendent of Insurance except that, if a credit union has assets of less than \$25,000, he may accept the audit of a practicing public accountant in place of such examination. Where a credit union is organized within the ranks of the employees of an industrial enterprise and the majority of its Members are employees of such enterprise, the supervision of such credit union may be delegated to the Chief executive office of such enterprise, who, through the auditing department of such enterprise, shall exercise the duties of supervision of such credit union in the same manner as if exercised by the Superintendent of Insurance, and a report of such act of supervision shall be furnished the Superintendent of Insurance from time to time as he may require. For failure to file reports when due, unless excused for cause, the credit union shall pay to the Treasurer of the State \$5.00 for each day of its delinquency. If the superintendent of Insurance determines that the Credit Union is violating the provisions of this Act, or is insolvent, the said Superintendent of Insurance may serve notice on the credit union of his intention to revoke the certificate of approval. If, for a period of fifteen days after said notice, said violation continues, the said superintendent of Insurance may revoke said certificate and take possession of the business and property of said credit union and maintain possession until such time as he shall permit it to continue business or its affairs are finally liquidated. He may take similar action if said report remains in arrears for more than fifteen days.

Section 7. Fiscal Year Meetings: The fiscal year of all credit unions shall end December 31st. Special meetings may be held in the manner indicated in the by-laws. At all meetings a member shall have but a single vote whatever his share holdings. To amend the by-laws, the proposed amendment must be contained in the call for the meeting and it must be approved by three-fourths of the members then present (which number must constitute a quorum) and by the said Superintendent of Insurance. There shall be no voting by proxy, a member other than a natural person casting a single vote through a delegated agent.

Section 8. Elections: At the annual meeting (the organization meeting shall be the first annual meeting) the Credit Union shall elect a board of directors of not less than five members, a credit committee of not less than three members and a supervisory committee of three members, all to hold office for such terms respectively as the by-laws provide and until successors qualify. A record of the names and addresses of the members of the board and committees and the officers shall be filed with the Superintendent of Insurance within ten days of their election.

Section 9. Directors, Officers, Rates: At the first meeting the Directors shall elect from their own number a President, Vice-President, Secretary and Treasurer of whom the last two named may be the same individual. It shall be the duty of the Directors to have general management of the affairs of the credit union, particularly: (a) To act on application for membership. (b) To determine interest rates on loans and on deposits, provided that such loans shall be at reasonable rates of interest which shall not exceed 1% per month on unpaid balances. (c) To fix the amount of the surety bond which shall be required of all officers and employees handling money. (d) To declare dividends, and to transmit to the members recommended amendments to the by-laws. (e) To fill vacancies in the Board and in the Credit Committee until successors are chosen and qualify. (f) To determine the maximum individual share holdings and the maximum individual loan which can be made with and without security. (g) To have charge of investments other than loans to members. The duties of the officers shall be as determined in the by-laws. No member of the Board or either Committee shall, as such, be compensated.

Section 10. Credit Committee: The Credit Committee shall have the general supervision of all loans to members. Applications for loans shall be on a form, prepared by the Credit Committee, and all applications shall set forth the purpose for which the loan is desired, the security, if any, offered, and such other data as may be required. Within the meaning of this section an assignment of shares or deposits or the endorsement of a note may be deemed security. At least a majority of the members of the Credit Committee shall pass on all loans and approval must be unanimous. The Credit Committee shall meet as often as may be necessary after due notice to each member.

Section 11. Supervisory Committee: The Supervisory Committee shall (a) Make an examination of the affairs of the credit union at least quarterly, including an audit of its books and, in the event said committee feels such action to be necessary, it shall call the members together thereafter and submit to them its report. (b) Make an annual audit and report and submit the same at the annual meeting of the members. (c) By unanimous vote, if it deem such action to be necessary to the proper conduct of the credit union, suspend any officer, director or member of committee and call the members together to act on such suspension. The members at said meeting may sustain such suspension and remove such officer permanently or may re-instate said officer. By majority vote the Supervisory Committee may call a special meeting of the members to consider any matter submitted to it by said committee. The said Committee shall fill vacancies in its own membership.

Section 12. Capital: The capital of a credit union shall consist of the payments that have been made to it by the several members thereof on shares. The credit union shall have a lien on the shares and deposits of a member for any sum due to the credit union from said member or for any loan endorsed by him. A credit union may charge an entrance fee as may be fixed by the by-laws, provided that such entrance fee shall not exceed two per-cent of the fully paid-in value of the shares subscribed for.

Section 13. Minors: Shares may be issued and withdrawn and deposits received and paid out in the name of a minor or in trust in such manner as the by-laws may provide. The name of the beneficiary must be disclosed to the credit union. If no other notice of the existence and terms of such trust has been given in writing to the corporation, such shares or deposits may, upon the death of the trustee, be transferred to or withdrawn by the person who was named by the trustee as the beneficiary or by his legal representative, and such transfer or withdrawal shall release the corporation, from liability to any other claimant upon such shares or deposit. Shares may be issued in the names of two persons and the survivor and in the event of the death of either the credit union shall be liable thereon only to the survivor and while both are living payment to either shall discharge the liability to both.

Section 14. Rates: Interest rates on loans made by a credit union shall not exceed one percent a Month on unpaid balances.

Section 15. Loans: A credit union may loan to members. Loans must be for a provident or productive purpose and are made subject to the conditions contained in the by-laws. A borrower may repay his loan in whole or in part any day the office of the credit union is open for business. No director, officer or member of committee may borrow from the credit union in which he holds office beyond the amount of his holdings in it in shares and deposits, nor may he endorse for borrowers.

Section 16. Reserves. All entrance fees, fines (which may be provided by the by-laws for failure to make repayments on loans and payments on shares when due), and each year, before the declaration of a dividend, 10% of the net earnings, shall be set aside as a reserve fund until such fund equals the paid capital of the credit union which fund shall belong to the corporation to be used as a reserve against bad loans and not be distributed except in case of liquidation.

Section 17. Dividends: On recommendation of the Directors, a credit union may, at the end of the fiscal year, declare a dividend from net earnings, which dividend shall be paid on all shares outstanding at the end of the fiscal year. Shares which become fully paid up during the year shall be entitled to a proportional part of said dividend calculated from the first day of the month following such payment in full.

Section 18. Expulsion-Withdrawal: A member may be expelled by a two-thirds' vote of the members present at a special meeting called to consider the matter but only after a hearing. Any member may withdraw from the credit union at any time but notice of withdrawal may be required. All amounts paid on shares or as deposits of an expelled or withdrawing member, with any dividends or interest accreted thereto, to the date thereof, shall, as funds become available and after deducting all amounts due from the member to the credit union, be paid to him. The credit union may require sixty days' notice of intention to withdraw shares and 30 days' notice of intention to withdraw deposits. Withdrawing or expelled members shall have no further rights in the credit union but are not, by such expulsion or withdrawal, released from any remaining liability to the credit union. A credit union may reserve in its by-laws the right to pay out not more than one-half of its monthly receipts to withdrawing members and depositors.

Section 19. Dissolution: The process of voluntary dissolution shall be as follows: (a) At a meeting called for the purpose (notice of which purpose must be contained in the call) four-fifths of the entire membership of the credit union may vote to dissolve the credit union. (b) Thereupon they file with the said Superintendent of Insurance a statement of their consent to dissolution, attested by a majority of the officers and including the names and addresses of the officers and directors. (c) The Superintendent of Insurance determines whether or not the credit union is solvent. If such is the fact he issues in duplicate a certificate to the effect that this section has been complied with. (d) The certificate is filed with the Probate Judge of the County in which the credit union is located, whereupon the credit union is dissolved and shall cease to carry on business except for the purposes of liquidation. (e) The credit union shall continue in existence for the purpose of discharging its debts, collecting and distributing its assets and doing all other acts required in order to wind up its business, and may sue and be sued for the purpose of enforcing such debts and obligations until its affairs are fully adjusted and wound up, for three years.

Section 20. Change in place of business: A credit union may change its place of business on written notice to said Superintendent of Insurance.

Section 21. Taxation: A credit union shall be deemed an institution for savings and, together with all the accumulations therein, shall not be subject to taxation except as to real estate owned and except as to the franchise tax required by other corporations. The shares of a credit union shall not be subject to taxation or to a stock transfer tax when issued by the corporations or when transferred from one member to another.

Section 22. Educational work: By and with the consent of, and under the direction of the State Superintendent of Education, the organization, management and extension of credit unions such as are defined in this Act, may be taught in the public schools of Alabama.

Section 23. Saving Clause: Conflicting laws: If any portion of this Act shall be declared unconstitutional the remainder of this act shall nevertheless remain in full force and effect. All laws in conflict herewith be, and the same are, hereby repealed.

Section 24. Time of effect: This Act shall take effect from and after its passage and signature by the Governor.

Approved September 7, 1927.

No. 599.)

(S. 360. Ellis of Shelby

AN ACT

To provide for the relief of Mrs. Stancil R. Stearnes, widow of Stancil R. Stearnes, deceased, and the three minor children of Stancil R. Stearnes and to make an appropriation therefor, and to provide a commission to ascertain the amount of said relief.

WHEREAS, Stancil R. Stearnes was for a long period of time, four years in the service of the State in a responsible and exceedingly dangerous position—that of superintendent of convicts in the working and guarding and superintending convicts being worked by the State in the Montevallo Mining Co. Coal Mines at Aldrich in Shelby County and,

WHEREAS, on the 21st day of February 1927, while so engaged in the service of the State by an accident over which he had no control and by no fault of his, he lost his life by the sudden and unexpected falling in of the roof and walls of the mine, wherein he was in the discharge of his duties as such servant of the State crushing him instantly to death, and,

WHEREAS, the said Stancil R. Stearnes left a widow and the three minor children, who were dependent on him for maintenance and support and education and now with no property or other means of support or education than the liberality of relatives who are all of very limited means or ability to contribute to their relief, therefore:

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor be and he is hereby required to draw his warrant on the State Treasurer for such a sum as may be ascertained to be proper and right as provided by section two (2) of this act not exceeding Five Thousand Dollars or so much thereof as may be necessary payable to the said Mrs. Stancil R. Stearnes out of any funds in the State Treasury not otherwise appropriated.

Section 2. Be it further enacted by the Legislature of Alabama, that the Governor, the attorney general, the State Auditor, the State Treasurer, and the commissioner of agriculture and industry shall be and constitute a commission whose duty it shall be to ascertain whether the said claim is valid against the state how much and make an award in writing to the Governor as to the amount that should in justice and good conscience be paid to said widow for and on account of such death and loss of said Stancil R. Stearnes for herself and three minor children and on the filing of such award, signed by the other members of said commission with the governor he shall in writing order and direct the State Auditor to draw his warrant on the State Treasurer for the amount so ascertained and reported to him payable to Mrs. Stancil R. Stearnes for the use of herself and said children of Stancil R. Stearnes, when she shall have furnished him with a certified copy of letters of guardianship of said children of the deceased and a certificate of the Probate Judge that she has made a good and sufficient bond as such guardian in double the amount of said award; and it shall be the duty of the State Treasurer to pay said warrant out of any money in the treasury not otherwise appropriated, said award not to exceed the amount which would have been allowed under the Workmen's Compensation Law should he have been employed in private employment.

Approved September 6, 1927.

No. 602)

(S. J. R. 106. Rules Committee
S. J. R.

RESOLVED BY THE SENATE, THE HOUSE CONCURRING, that the Secretary, Assistant Secretary, Second Assistant Secretary, Reading Clerk and the Chief Clerk of the Senate together with one typist and ten Journal Clerks to be named by the Secretary of the Senate, the Clerk, Assistant Clerk, Reading Clerk and Chief Clerk of the House together with one typist, whose per diem shall be six dollars per day, and ten Journal Clerks to be named by the Clerk of the House, be allowed six weeks within which to check, compare and deliver the Journals of the Senate and House to the Secretary of State.

Resolved further, that all of the above named shall receive the same per diem and be paid in the same manner as they are now paid.

Resolved further, that the Secretary of the Senate and Clerk of the House shall jointly appoint one janitor for the period covered in this resolution whose per diem and manner of payment of same shall be as servants of the Legislature are now paid.

Resolved, further, that the Secretary of the Senate and Clerk of the House be authorized and directed to employ one clerk for not exceeding two weeks to look after forwarding the mail to members of the Legislature and that she receive the same per diem as now allowed by law for Committee Clerks and to be paid in the same manner.

Approved September 6, 1927.

No. 604.)

(S. 133. Fite

AN ACT

To appropriate the sum of Three Thousand (\$3,000.00) Dollars, to be paid to Olive Jernigan, the widow of Walter S. Jernigan, who was killed while in line of duty as an employee of the State, on December 21, 1925, the said Walter S. Jernigan having met his death under such circumstances as that his family has no recourse at law to recover damages or compensation for his death.

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Auditor is hereby authorized and required to draw his warrant upon the State Treasurer in favor of Olive Jernigan in the sum of Three Thousand (\$3,000.00) Dollars, and the State Treasurer shall pay said warrant out of any money not otherwise appropriated, said Olive Jernigan being the widow of Walter S. Jernigan who was killed on December 21, 1925 while in line of duty as an employee of the State and under such circumstances as that his family has no recourse at law to recover damages or compensation for his death.

Section 2. This bill shall take effect immediately upon its approval by the Governor.

Approved September 6, 1927.

No. 605.)

(S. 204. Williams

AN ACT

To prohibit the transportation of any of the liquors or beverages, the sale or possession, or transportation of which is now prohibited by law in Alabama, in quantities of five gallons or more, and to fix a penalty therefor.

Be it Enacted by the Legislature of Alabama:

Section 1. That it shall be unlawful for any person, firm or corporation, or association within this State to transport in quantities of five gallons or more any of the liquors or beverages, the sale, possession or transportation of which is now prohibited by law in Alabama. Any of the above persons who may be con-

victed for violating this Act shall be guilty of a felony, and upon conviction, shall be imprisoned in the penitentiary of this State for a period of not less than one year, nor more than five years.

Section 2. This Act shall not be so construed as to affect or repeal any of the prohibition laws of this State, except in so far as they conflict with this Act.

Approved September 6, 1927.

No. 606)

(S. 238. Williams

AN ACT

To amend Section 7327 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama:

That Section 7327 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 7327. Salary of Judges. The salary of each Judge of the Court of Appeals is Six Thousand six hundred (\$6,600.00) Dollars per annum, payable monthly as the salaries of other State officers are paid.

Approved September 6, 1927.

No. 607)

(S. 453. James

AN ACT

To make an appropriation for the buildings and equipment for the Kate Duncan Smith D. A. R. School located at Grant, Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the State Treasury, not otherwise appropriated, the sum of Fifty Thousand (\$50,000) Dollars for buildings and equipment for the Kate Duncan Smith D. A. R. School located at Grant, Alabama.

Section 2. That said appropriation shall not be available until good and valid title be made to the State of Alabama conveying at least five acres of land upon which said buildings are to be constructed. Provided, that this appropriation shall not be available before October 1st, 1928.

Section 3. That the Governor is hereby authorized and empowered at any time in the future to negotiate the sale of said buildings, equipment and lands to the Alabama Society of the Daughters of the American Revolution upon such terms and conditions as he may deem advisable at a price not to exceed Fifty Thousand (\$50,000) Dollars. So long as said property is owned by the State, the State shall have absolute control of all of said buildings, lands and equipment.

Section 4. That the State Superintendent of Education shall, with the approval of the Governor, make requisition on the State Auditor for such amounts as may be required for carrying into effect the purposes of this Act. Provided, however, that the appropriation herein provided for shall not become effective until in the opinion of the Governor the condition of the State Treasury shall warrant and said appropriation shall not be paid without the approval of the Governor.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Approved September 6, 1927.

No. 608.)

AN ACT

(S. 110. Fite

To amend Sections 1754, 1757, 1760, and 1894 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That Section 1754 of the Code of Alabama be amended to read as follows: Section 1754. Elections, time of holding.—The regular municipal elections in cities and towns shall be held on the third Monday in September, 1908, and biennially thereafter. Municipal officers elected at such elections shall assume the duties of their respective offices on the first Monday in October following such election, unless herein otherwise provided. The voting places shall be fixed by the council, one or more voting places for each ward, where such city or town has been divided into wards, and the election shall be conducted in the manner provided by law for general elections, except as otherwise provided in this chapter. Provided, however, that cities of 2000 population and over, according to the next preceding decennial federal census, shall elect their mayor, and council men, and other officers authorized by law to be elected, on the 3rd. Monday in September, 1928, and quadrennially, thereafter; such officers shall take their offices on the 1st Monday in October following their election; provided further that this shall not affect cities under Commission form of government.

Section 2. That Section 1757 of the Code of Alabama be amended so as to read as follows: Section 1757. Officers enumerated; time of election. In cities having a population of six thousand or more, at each general municipal election, there shall be elected the following officers, who shall compose the city council for such cities, and who shall hold office for four years

and until their successors are elected and qualified, and who may exercise the legislative functions of city government and any other powers and duties which are, or may be, vested by law in the city council or its members: A president of the city council; and in cities having seven wards or less, two aldermen from each ward, to be elected by the qualified voters of the several wards voting separately in every ward; except in cities of less than twenty thousand inhabitants, in which two aldermen from each ward shall be elected by the electors of the city at large; in cities having more than seven wards, one alderman from each ward, and a sufficient number of aldermen from the city at large to make the total number of aldermen fourteen, exclusive of the president of the council; and in cities having fifty thousand inhabitants or more, the city council may create not exceeding twenty wards. Vacancies in the office of aldermen shall be filled by the council at the next regular meeting or any subsequent regular meeting of the council, the person so elected to hold for the unexpired term. The president of the council shall have the right to vote on all questions the same as any other member of the body.

Section 3. That Section 1760 of the Code of Alabama be amended so as to read as follows: Section 1760. Mayor; when elected; no vote—In all cities and towns at the general election to be held on the third Monday in September 1928, and quadrennially thereafter, there shall be elected a mayor who, in cities having a population of six thousand or more shall not sit with the Council nor have a vote in its proceedings, and he shall have the power and duties herein conferred. In cities having a population of less than six thousand and in towns, the Legislative functions shall be exercised by the mayor and five aldermen. The mayor shall vote with and preside over the deliberations of the Council. The alderman in such municipalities shall be elected by the city or town at large, at the first general election on the third Monday in September, 1928 and quadrennially thereafter, they shall be elected by the city or town at large; or from wards, as the said councils may determine not less than six months before an election. Provided that in cities and towns of less than two thousand inhabitants, the mayor and councilmen and other officers of cities under the aldermanic form of government, shall be elected on the third Monday in September, 1928 and biennially thereafter.

Section 4. That Section 1894 of the Code of Alabama be amended so as to read as follows: Section 1894. Mayor; powers, duties, salary, etc. The mayor shall have powers and perform duties as follows; he shall keep an office in the city or town, and shall receive such salary as the council may prescribe not exceeding the following amounts: in cities having more than fif-

teen thousand population not exceeding Five thousand dollars; and not less than eighteen hundred dollars a year; in cities having six thousand and up to fifteen thousand population, not exceeding three thousand dollars, nor less than six hundred dollars a year; in cities having less than six thousand population, not exceeding eighteen hundred dollars nor less than one hundred dollars a year; in towns, not exceeding six hundred dollars, nor less than fifty dollars a year.

Approved September 9, 1927.

No. 609)

(S. 274. Oliver

AN ACT

To appropriate funds for the purchase of the Fourth District Agricultural School Buildings and Lands.

Be it Enacted by the Legislature of Alabama:

Section 1. The sum of fifty thousand dollars (\$50,000), be and is hereby appropriated from the treasury of the State of Alabama out of moneys not otherwise appropriated, which shall be used for the purpose of purchasing the Fourth District Agricultural School Buildings and lands owned by the City of Sylacauga.

Section 2. The Governor of the State of Alabama is hereby directed to acquire the title in the name of Alabama to the said property described in Section 1, and to cause fifty thousand dollars, (\$50,000), to be paid to the City of Sylacauga for the same. "Provided the appraisal of the property as made by the State Board of Administration shows the property to be of a value equal to Fifty Thousand Dollars (\$50,000). The said appropriation herein made to be available when in the opinion of the Governor the condition of the State Treasury warrants and with the approval of the Governor."

Approved September 6, 1927.

No. 610)

(S. 290 Stokes

AN ACT

To amend Section 7203 of the Code of Alabama of 1923.

Be it Enacted by the Legislature of Alabama: That Section 7203 of the Code of Alabama of 1923 be amended so as to read as follows: "7203. (3637) Procedure for Condemnation. The

procedure for condemnation under this article shall be in the manner provided for the condemnation of lands and rights of way for public use, in Article (1), Chapter 286 (79), of the Code; or, at the option of the condemning party, in the manner provided in any other statute conferring the power of eminent domain on public utility corporations."

Approved September 6, 1927.

No. 611)

(S. 175. James

AN ACT

To prevent the fraudulent operation of slot machines and coin receptacles, and to provide penalties for the violation thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. That any person who shall operate, or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated, any automatic vending machine, slot machine, coin box telephone, or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated, or foreign coin or by any means, method, trick, or device whatsoever not lawfully authorized by the owner, lessee, or licensee of such machine, coin-box telephone or receptacle, or who shall take, obtain, or receive from or in connection with any automatic vending machine, slot machine, coin-box telephone, or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service, or of any musical instrument, phonograph, or other property, without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee, or licensee of such machine, coinbox telephone or receptacle, shall be guilty of a misdemeanor, punishable by a fine or imprisonment, or, in the discretion of the court, by both.

Section 2. That any person, who, with intent to cheat or defraud the owner, lessee, licensee, or other person entitled to the contents of any automatic vending machine, slot machine, coin-box telephone or other receptacle, depository, or contrivance designed to receive lawful coin of the United States of America in connection with the sale, use, or enjoyment of property or service, or who, knowing that the same is intended for unlawful use,

shall manufacture for sale, or sell or give away any slug, device or substance whatsoever intended or calculated to be placed or deposited in any such automatic vending machine, slot machine, coin-box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor, punishable by a fine or imprisonment, or, in the discretion of the court, by both.

Section 3. That this act shall be in force from and after its approval by the Governor.

Approved September 6, 1927.

No. 612)

(S. 70. Williams

AN ACT

To amend Sections 10327, 10328, and 10329 of the Code of 1923.

Be it Enacted by the Legislature of Alabama:

Section 1. That section 10327 of the Code of 1923 be amended to read as follows: 10327. (5991) Salary of the clerk. The clerk of the supreme court shall be paid an annual salary of Four thousand dollars, payable out of the state treasury monthly as other state officers are paid.

Section 2. That section 10328 of the Code of 1923 be amended to read as follows: 10328. (5992) Assistant clerk; bond and salary of. The clerk of the supreme court may employ an assistant who shall give bond payable to the clerk of the supreme court in the sum of five thousand dollars to be approved by the clerk and conditioned as other official bonds; said assistant shall be paid a salary of Twenty-four hundred dollars per year, payable monthly out of the state treasury, as other officers are paid.

Section 3. That section 10329 of the Code of 1923 be amended to read as follows: 10329. (5993). Costs and fees paid into state treasury; stenographer to clerk. All fees and costs, except as herein provided, authorized by law to be taxed and collected as cost for or fees of the clerk of the supreme court shall be collected by the clerk of the supreme court as heretofore and as provided by section 7284 (3719), and shall be paid to the state treasury quarterly as other public funds. A statement of the fees paid to the state treasury shall be rendered to the state auditor quarterly. The clerk of the supreme court may employ a stenographer and file clerk who shall receive an annual salary of fifteen hundred dollars, payable monthly out of the state treasury in the same manner as the salary of the clerk and assistant clerk are paid.

Section 4. This Act shall become effective upon its passage and approval.

Approved September 6, 1927.

No. 613)

(S. 501. Fite

AN ACT

To amend an act entitled "An Act to better provide for holding the circuit court of the tenth judicial circuit at Bessemer, in and for the following portions of Jefferson County, to-wit: Williams precinct No. 1, Jonesboro precinct No. 2, Parsons Precinct No. 3, Aaron's Precinct No. 4, Short Creek Precinct No. 5, Bethlehem precinct No. 7, Meeks precinct No. 24, Toadvine precinct No. 27, Bessemer precinct No. 33, Gwins precinct No. 35, Huey's precinct No. 40, Parkwood precinct No. 41, Mulga precinct No. 49, Virginia Mines precinct No. 51, Fairfield precincts No. 53, and Brighton precincts No. 55, to define the jurisdiction thereof, to provide for organizing and empanelling grand juries therefor, and define the jurisdiction of said grand juries, to regulate the holding of said Court at said place, and otherwise provide therefor," approved August 18, 1919, said amendment operating to repeal section 9 1-2 of said act.

Be it Enacted by the Legislature of Alabama as follows:

Section 1. That Section 9 1-2 of an Act entitled "an act to better provide for holding the circuit court of the tenth judicial circuit at Bessemer, in and for the following portions of Jefferson county, to-wit: Williams precinct No. 1, Jonesboro precinct No. 2, Parsons precinct No. 3. Aarons precinct No. 4, Short Creek precinct No. 5, Bethlehem precinct No. 7, Meek's precinct No. 24, Toadvine precinct No. 27, Bessemer precinct No. 33, Gwins precinct No. 35, Huey's precinct No. 40, Parkwood precinct No. 41, Mulga precinct No. 49, Virginia Mines precinct No. 51, Fairfield precinct No. 53 and Brighton precinct No. 55, to define the jurisdiction thereof, to provide for organizing and empanelling grand juries therefor, and define the jurisdiction of said grand juries, to regulate the holding of said court at said place, and otherwise provide therefor," approved August 18, 1919, be and the same is hereby repealed.

Approved September 9, 1927.

No. 615)

(S. 487. Oliver

AN ACT

To authorize the State Board of Education to prepare and maintain a register of those blind persons living in the State of Alabama in which is shown their condition, cause of blindness, and capacity for education and industrial training; to set up a bureau of information and industrial aid for the blind; to assist other agencies in developing home industries; to aid in furnishing books, materials, and tools for rehabilitation of the blind; to devise other means of helping them; to provide for an annual report on the activities of the State Board of Education in connection therewith; and to make an appropriation for carrying out the provisions of the Act.

Be it Enacted by the Legislature of Alabama:

Section 1. That the State Board of Education is hereby authorized to prepare and maintain a register of blind persons living in the State of Alabama which shall describe the condition, cause of blindness, capacity for education and industrial training for each blind person registered, and shall give such other data as the Board may deem advisable.

Section 2. The State Board of Education shall maintain a bureau of information, the object of which shall be to aid the blind, whose training is not otherwise provided for, in finding employment, in developing home industries, and in marketing their products. It shall in its discretion furnish materials, tools, and books for use as a means in rehabilitating such blind persons, and it may, through the employment of teachers, give home instruction to blind persons within the ages fixed by the Civilian Rehabilitation Act, provided that it shall not undertake the permanent support or maintenance of any blind person.

Section 3. The State Board of Education may appoint and fix the compensation of such teachers and agents as may be necessary to make effective the purposes of this Act within the appropriation provided hereinafter.

Section 4. The State Board of Education in its annual report shall give a concise report of its activities and accomplishments under the provisions of this Act, and shall make recommendations therein for the further improvement of the conditions of the blind.

Section 5. To make effective the provisions of this Act there is hereby appropriated out of the State Treasury the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars annually from any funds in the treasury not otherwise appropriated.

Section 6. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Approved September 6, 1927.

No. 617.)

(HJR. 331. Simpson

HOUSE JOINT RESOLUTION

WHEREAS America's out-standing pioneer of the air Col. Chas. A. Lindbergh will be the guest of the National Guard Air Service of Alabama at Birmingham on the 5th of October next

AND WHEREAS his visit is to aid the development of air ports and facilities in this State to meet the coming need

NOW THEREFORE BE IT RESOLVED that the Legislature Welcome Col. Lindbergh to Alabama and wish him God-speed in his worthy undertaking.

Approved September 6, 1927.

No. 620.)

(H. 195. Hawkins

AN ACT

To appropriate out of the general funds of the State of Alabama not otherwise appropriated, the sum of One Thousand (\$1,000.00) Dollars for the relief of the widow and child of Z. B. Talley, deceased, the said widow being named Mollie Talley and the said child being the child of Z. B. Talley, deceased, and said Mollie Talley. Whereas Z. B. Talley, deceased, was killed by a trip of cars inside the mines at Flat Top, Jefferson County, Alabama, on September 18, 1926, while engaged in the line and scope of his employment as a mine foreman for the State of Alabama at a salary of One Hundred Ninety & No/100 (\$190.00) Dollars per month, the said Z. B. Talley leaving surviving him his widow, Mollie Talley and one child of himself and Mollie Talley, Therefore,

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the general funds of the State of Alabama the sum of One Thousand (\$1000.00) and no-100 Dollars, to be paid to Mollie Talley as the widow of Z. B. Talley, deceased.

Section 2. That the Auditor of the State of Alabama be and he is hereby directed to draw his warrant on the Treasurer of the State of Alabama payable to Mollie Talley, as the widow of Z. B. Talley, deceased, for the sum of One Thousand (\$1000.00) Dollars.

Section 3. If any section, clause or provision of this act is held to be unconstitutional or void such holding shall not affect any other section, clause or provision of this act that is not in itself unconstitutional or void.

Section 4. That all laws and parts of laws, whether general, special or local, in conflict with the provisions hereof be and the same are hereby repealed.

Approved September 9, 1927.

No. 621)

HJR. 330. Goodwyn

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING,

1. That the Legislature of Alabama offers its thanks to Mrs. Marie Bankhead Owen, Director of the Department of Archives and History, for the gift to each member, of a beautifully illustrated volume, entitled "Our State—Alabama," the same being a condensed history of our Commonwealth.

2. Be it resolved further that we congratulate our beloved members, Judge W. C. Christian of the House and Senator J. B. Stanley of the Senate, the sole Confederate veterans in the two bodies, on the fact that this invaluable historical work of more than seven hundred pages is dedicated in their honor and bears their likenesses as a frontispiece.

Approved September 6, 1927.

No. 622)

(S. 580. Fite

AN ACT

To provide for the appointment of bailiffs in all Circuit Courts in all counties of the State of Alabama having a population of 200,000, or more, according to the last or any subsequent federal census, and to fix the compensation of such bailiffs and to provide for the payment of such compensation.

Be it Enacted by the Legislature of Alabama:

Section 1. That in all counties in the State of Alabama having a population of two hundred thousand or more according to the last or any subsequent federal census the bailiffs of all circuit courts in such counties shall be appointed by the judges of such court. Each judge to appoint the bailiffs, who act in the division of court over which said judge presides and such bailiffs to serve at the pleasure of the judge, and the Judges of the Criminal Division of such Circuit Courts are further authorized and empowered to appoint a bailiff or bailiffs to serve the Grand Juries of such counties, to be paid the same salary and perform the same duties as other bailiffs when not otherwise engaged.

Section 2. Each bailiff shall receive an annual salary of twenty-one hundred (\$2100.00) dollars, to be paid in monthly installments out of the county treasury on the warrant of the judge appointing the bailiff, in the same manner as the county officials are paid.

Section 3. When the services of such bailiffs are not required by the judge by whom they are appointed, such judge may order them to serve all civil process referred to them by the Sheriff of the county, and for such purpose they shall have the same power and authority as is now conferred by law upon deputy sheriffs in such counties.

Section 4. This act shall take effect immediately upon its passage, and all laws and parts of law in conflict herewith be and the same hereby are expressly repealed.

Approved September 2, 1927.

No. 623)

(S. 219. Williams

AN ACT

To amend Section 4622 of the Code of Alabama 1923.

Be it Enacted by the Legislature of Alabama:

That Section 4622 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 4622. Penalty for violation. Any violation of section 4621 of the 1923 Code of Alabama shall be a misdemeanor punishable by a fine of not less than fifty dollars nor more than five hundred dollars, to which, at the discretion of the court or judge trying the case, may be

added imprisonment in the county jail or confinement at hard labor for the county for not more than six months for the first conviction; and, on the second conviction of a violation of said code section 4621, the offense shall, in addition to a fine within the limits above named, be punishable by confinement at hard labor for the county for not less than three months nor more than six months to be imposed by the court or judge trying the case; and, on the third and every subsequent conviction of a violation of said Code section 4621, the offense shall, in addition to a fine within the limits above named, be punishable by confinement at hard labor for the county for not less than six months nor more than twelve months.

Approved September 6, 1927.

No. 624)

(S. 215. Williams

AN ACT

To amend Section 4778 of the Code of Alabama, 1923.

Be it Enacted by the Legislature of Alabama: That Section 4778 of the Code of Alabama, 1923, be and the same is hereby amended so as to read as follows: 4778. Conveyances and vehicles transporting prohibited liquors or beverages; animals, harness or accessories in transportation thereof. All conveyances and vehicles of transportation of any kind, whether on the waters of the State, under the waters, on land, or in the air, which have been or are used for the illegal conveying of any prohibited liquors, or beverages into this state, or from one point in the State to another point within the state, including any animals that may be used in such transportation, whether hitched or not hitched to any vehicle so illegally used, together with all harness and other accessories employed in such illegal transportation, shall be contraband and shall be forfeited to the State of Alabama, and shall be seized by any sheriff or other arresting officer, or any other person acting under authority of law in the enforcement of the prohibition laws of the State, who becomes cognizant of the facts, or who finds liquor being illegally transported as aforesaid in such conveyance or vehicle or on any such animal. And such officer or person shall report the seizure and the facts connected therewith to the solicitor or any prosecuting official in the county where seizure is made, or, in default thereof, to the attorney general of the state. And, in order to condemn and confiscate any of the above mentioned vehicles or animals, it shall not be necessary for the state to show any actual movement of said vehicles or animals while loaded with any of said prohibited liquors or beverages.

Approved September 6, 1927.

No. 625)

(S. 430. Holmes)

AN ACT

To amend Section 1106, Code of Ala. 1923, relative to venereal disease control.

Be it Enacted by the Legislature of Alabama:

That Section 1106, Code of Ala. 1923 be amended so as to read as follows: 1106. Persons required to be treated. Prostitutes, and persons associated with them, are to be considered within the class of those reasonably suspected of being sources of infection. The county health officer shall require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until such disease, in the judgment of the attending physician, is no longer communicable or a source of danger to public health, or submit to treatment provided at public expense until discharged by the person in charge of the clinic, and also, when in his judgment such a course is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. Whenever any prostitute, or one associated with them, refuses to take and continue treatment for a venereal disease, as provided, such person or persons shall be committed to the county jail on the order of the County Health officer, or physician in charge of a venereal clinic, and kept there for treatment until discharged as cured by the physician in charge of the case.

Approved September 6, 1927.

No. 626)

(S. 259. Oliver)

AN ACT

To amend section 2 of the Code of 1923.

Be it Enacted by the Legislature of Alabama: That Section 2 of the Code of 1923 be and the same is hereby amended to read as follows: 2. (2) (2) (2) (2) (2) (2) Meaning of the terms "Property," "Circuit," "Negro," Etc. The following words have in this Code the signification attached to them in this section unless otherwise apparent from the context:

1. The word "property" includes property real and personal.
2. The words "real property" are co-extensive with lands, tenements and hereditaments.
3. The words "personal property" include money, goods, chattels, things in action and evidence of debt, deeds and conveyances.
4. The word "circuit" means judicial circuit.

5. The term 'negro,'" within the meaning of this code, includes mulatto. The term "mulatto," or "person of color," within the meaning of this Code, is a person of mixed blood, descended on the part of the father or mother from negro ancestors, without reference to or limit of time or number of generations removed.

Approved September 6, 1927.

No. 627)

AN ACT

(S. 256. Oliver

To repeal sections 4348, 4349, 4352-4355 and 4356 of the Chapter 152 of article 1, of the Code of 1923, relating to the public health laws of Alabama.

Be it Enacted by the Legislature of Alabama: That Sections 4348, 4349, 4352, 4355 and 4356 of Chapter 152, of Article 1, of the Code of Alabama, 1923, be and they are hereby repealed.

Approved September 9, 1927.

No. 628)

AN ACT

(S. 581. Fite

In relation to time allowed Secretary of the Senate and Clerk of the House of Representatives to check, compare and deliver the Journals of the Senate and House of Representatives of this session of the Legislature to the Secretary of State.

Be it Enacted by the Legislature of Alabama:

Section 1. The Secretary of the Senate and the Clerk of the House of Representatives shall be allowed six weeks from the date of the final adjournment of the present session of the Legislature of Alabama in which to compare, check and deliver the Journals of the Senate and House of Representatives to the Secretary of State.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Approved September 6, 1927.

AN ACT

To make appropriations to the Alabama Boys Industrial School.

Section 1. *Be it Enacted by the Legislature of Alabama* that the sum of Two Hundred and Seventy (\$270.00) Dollars per year for each inmate of the Alabama Boys Industrial School, is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for each of the years of the quadrennium, beginning October 1, 1927 and ending September 30, 1931, and the state Auditor is hereby authorized and directed to draw his warrant quarterly on the State Treasury in favor of the treasurer of the Alabama Boys Industrial School for the payment of the amounts due said school; said amounts to be determined by affidavit of the Superintendent or Treasurer of said school at the beginning of each quarter, which affidavit shall show the number of inmates of said school, who were in said school on the last day of said quarter.

Section 2. That there is hereby further appropriated for the fiscal year beginning October 1, 1928, the sum of Forty-one Thousand, six hundred and sixty-six dollars (\$41,666.66) and sixty-six cents for the purchase of land, and for the erection and equipment of buildings, and for the purchase of machinery, and for the purchase of equipment of vocational training, and for improvements and repairs; and there is also hereby appropriated, for the same purpose, a like sum of forty-one thousand, six hundred and sixty-six dollars (\$41,666.66) and sixty-six cents, for the fiscal year beginning October 1, 1929; and there is also hereby appropriated, for the same purpose, a sum of forty-one thousand, six hundred and sixty-six dollars (\$41,666.66) and sixty-six cents, for the fiscal year beginning October 1, 1930. The sums so appropriated for the purchase of land and for the erectment of buildings and for the purchase of machinery, and for the purchase of equipment for vocational training, and for improvements and repairs, shall be paid out under the authority of the board of directors of said school, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasury for the amount of said appropriations upon requisition of the Governor.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act, be, and the same are hereby repealed.

Section 3½. In addition to the appropriations hereinabove made, there is hereby further appropriated, out of any moneys in the general fund of the State of Alabama not already otherwise appropriated, the sum of Eleven Thousand Two Hundred Thirteen Dollars and Four Cents (\$11,213.04), for the relief of

the Alabama Boys' Industrial School. BE IT FURTHER ENACTED: That the State Treasurer is hereby authorized and directed to pay to the Superintendent of said School the amount in this Section appropriated.

Approved September 9, 1927.

No. 633.)

(S. 403. Justice

AN ACT

To regulate the sale, bartering, possession and control of opium and cocoa leaves, or any compound, manufacture, salt, derivative, or preparation thereof, and providing penalties for the violation thereof.

Be it Enacted by the Legislature of Alabama:

Section 1. That on and after the taking effect of this Act it shall be unlawful for any person in the State of Alabama to sell or barter any opium or cocoa leaves, or any compound, manufacture, salt, derivative or preparation thereof; provided, that this act shall not apply: (a) To the dispensing, prescribing or distributing of any of the aforesaid drugs to any patient by a physician, dentist or veterinary surgeon registered in the State of Alabama under the provisions of the several Acts regulating the practice of their profession. (b) To the sale, dispensing or distributing of the aforesaid drugs by a pharmacist registered under the laws of the State of Alabama governing the practice of the profession of pharmacy to a consumer under and in pursuance of a written prescription issued to such a consumer by a physician, dentist, or veterinary surgeon registered in the State of Alabama under the provisions of the several acts regulating the practice of their profession. (c) To the sale or distribution of any of the aforesaid drugs by any wholesale druggist, dealer, manufacturer, producer or compounder within the State, to each other, or to a retailer, or to a physician, dentist or veterinary surgeon registered in the State of Alabama under the provisions of the several Acts regulating the practice of their profession.

Section 2. Be it further enacted, That it shall be unlawful for any person in the State of Alabama to have in his possession or under his control any opium or cocoa leaves, or any compound, manufacture, salt, derivative or preparation thereof; provided, that nothing in this section shall apply: (a) To any physician, dentist or veterinary surgeon registered in the State of Alabama under the provisions of the several Acts regulating the practice of their profession. (b) To any retail dealer or pharmacist registered under the laws of the State of Alabama governing the profession of the practice of pharmacy. (c) To any wholesale dealer, wholesale druggist, manufacturer, producer or com-

pounder engaged in business as such under and by virtue of the laws of the State of Alabama. (d) To any person having in his possession or under his control any of the aforesaid drugs which has or have been prescribed or dispensed by a physician, dentist or veterinary surgeon registered in the State of Alabama under the provisions of the several Acts regulating the practice of their profession. (e) To any person having in his possession any of the aforesaid drugs by virtue of his lawful employment or occupation, and not on his own account. (f) To any United States, State, county, municipal, district, territory, or insular officer who has possession of any of the aforesaid drugs by reason of his official duties. (g) To any warehouseman holding possession of any of the aforesaid drugs for a person exempted under the provisions of this Act. (h) To any common carrier engaged in transporting any of the aforesaid drugs.

Section 3. Be it further enacted, That the provisions of this Act shall not be construed to apply to the sale, distribution, giving away or dispensing of preparations and remedies by any person exempted under this Act, which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codein or any salt or derivative of any of them in one fluid ounce, or if a solid or semi-solid preparation in one avoirdupois ounce; or to liniments, ointments or other preparations which are prepared for external use only, except liniments, ointments and other preparations which contain cocaine, or any of its salts or alpha or beta cocaine, or any of their salts or any synthetic substitute for them. And providing further that any manufacturer, producer, compounder or vendor of paregoric, Godfrey's Cordial, Bateman Drops, shall keep a record of all sales, exchanges, or gifts of such preparations in such manner as may be directed by the State Board of Pharmacy. Such record shall be preserved for a period of two years, and shall be accessible to any inspecting officer, agent, or employee of the State Board of Pharmacy.

Section 4. Be it further enacted, that it shall not be necessary to negative any of the aforesaid exemptions in any complaint, information, indictment, or other writ of proceedings laid or brought under this Act; and that the burden of proof of any such exemption shall be upon the defendant.

Section 5. Be it further enacted, That any person violating the provisions of Section 1 of this Act shall be guilty of a felony, and on conviction thereof, shall be punished by a fine of not less than \$100.00 (One Hundred Dollars), not more than \$2,000.00 (Two Thousand Dollars), and imprisonment in the penitentiary for not less than two years nor more than five years; and, any person violating the provisions of Section 2 of this Act shall be

guilty of a felony, and on conviction thereof, shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Thousand Dollars (\$2000.00), and imprisonment in the penitentiary for not less than one year and not more than five years. Any person violating any of the provisions of Section three of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars. It shall be the duty of the Circuit and Criminal Court Judges in the State to give the provisions of this Act in special charge to the Grand Jury and the Grand Jury shall have and exercise inquisitorial power over any violation of this Act, and no prosecutor shall be required for an indictment against a person for violating the provisions of this Act.

Section 6 . Be it further enacted, That all laws and part of law in conflict herewith shall be and the same are hereby repealed "provided however that nothing contained herein shall be construed to modify amend or repeal Sections 2831 and 2832 of the Code of Alabama of 1923," and that this Act shall take effect from and after its passage, the public welfare requiring it.

Approved September 6, 1927.

No. 634)

AN ACT

(S. 500. Fite

To create the twenty-fourth Judicial Circuit of the State of Alabama, to define the jurisdiction thereof, to provide for the election of a Judge, Solicitor, Clerk, and the appointment of a Register in Chancery and other officers thereof; to provide for grand juries therefor; to provide for the consolidation therewith, and transfer thereto, of all cases and matters pending in the Bessemer Division of the Tenth Judicial Circuit of Alabama; to provide for the detachment of the said Bessemer Division of the Tenth Judicial Circuit of Alabama, and the territory herein defined from the Tenth Judicial Circuit of Alabama, and the consolidation of such detachment with the said Twenty-Fourth Judicial Circuit of Alabama, and to otherwise provide therefor.

Be it Enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established the twenty-fourth Judicial Circuit of the State of Alabama to be composed of the following precincts in Jefferson County, Alabama, viz: Williams Precinct No. 1, Jonesboro Precinct No. 2, Parsons Precinct No. 3, Aarons Precinct No. 4, Short Creek Precinct No. 5, Bethlehem Precinct No. 7, Meeks Precinct No. 24, Toadvine Precinct No. 27, Bessemer Precinct No. 33, Gwin Precinct, No. 35, Huey's Precinct No. 40, Parkwood Precinct No. 41, Mulga Precinct No. 49, Virginia Mines Precinct No. 51, Fairfield Precinct No. 53 and Brighton Precinct No. 55, and Precinct

No. 57 the same being the territory over which the Bessemer Division of the Circuit Court of Jefferson County, Alabama, now has jurisdiction, and that upon establishment of said twenty-fourth Judicial Circuit said named precincts are taken out of and detached from the Tenth Judicial Circuit of Alabama.

Section 2.—That all cases and court business pending in the said Bessemer Division of the Tenth Judicial Circuit of Alabama, as well as that that arose in the territory described in Section 1, hereof, when this law takes effect, are hereby transferred to and consolidated into the said Twenty-Fourth Judicial Circuit of Alabama, created by this Act, and shall become and be a part of the business of the Circuit Court of said Twenty-Fourth Judicial Circuit of Alabama, and shall be tried, transacted and disposed of in said Court as if originally filed therein.

Section 3. That at the General Election held in November, 1928, there shall be elected by the qualified electors residing within the Judicial Circuit hereby created, a Judge of said Circuit, who, at the time of his election, and during his continuance in office, shall be a resident of the Judicial Circuit hereby created; and that nothing herein contained shall be construed to affect the present terms of the office of the Judge, Solicitor or Clerk, of the Bessemer Division of the Tenth Judicial Circuit of Alabama, except that when this Act goes into effect, and said Circuit becomes established, the Solicitor of the Bessemer Division of the Tenth Judicial Circuit shall be and continue as the Solicitor of the Circuit hereby established until the expiration of his present term of office, at the same salary he receives as Solicitor of said Bessemer Division of the Tenth Judicial Circuit of Alabama, and in lieu of such salary; and that the salaries of the Judge, Solicitor and Clerk of the Twenty-Fourth Judicial Circuit of Alabama, shall be the same as now or hereafter provided by law for said officers of the Bessemer Division of the Tenth Judicial Circuit of Alabama, and shall be paid in the same manner as they are now paid; that on the expiration of the present respective terms of office of the Judge, Solicitor and Clerk of said court, the Judge, Solicitor and Clerk of said Twenty-Fourth Judicial Circuit of Alabama, shall be elected as and for like periods of time as the judges, solicitors and clerks of the other circuit courts of this State are elected, and after the lawful establishment of said twenty-fourth Judicial Circuit the offices respectively of Judge number five of the 10th Judicial Circuit and the Deputy Solicitor and the Deputy Clerk of the Bessemer Division of the Circuit Court of Jefferson County, shall be abolished as their present respective terms expire.

Section 4. That the said court hereby established shall have and exercise within its territorial jurisdiction like jurisdiction, authority and powers in all respects that the other circuit courts

of this State have and exercise now, or that may hereafter be conferred upon them; and all jurisdiction of the Tenth Judicial Circuit of Alabama in or over the said territory comprising the said Twenty-Fourth Judicial Circuit of Alabama is hereby specifically excluded, except that all causes and court business lawfully pending in court at the time this bill goes into effect in that division of said Tenth Judicial Circuit held at the County site shall continue in said Tenth Judicial Circuit at the County site to conclusion.

Section 5. That the Circuit Court for the said Twenty-Fourth Judicial Circuit of Alabama shall be held at Bessemer, and the said court shall be open all the year for the transaction of business every day except Sunday, and except on such legal holidays as the court may designate from time to time; provided that from the first day of July until the first day of September of each year no civil cases at law shall be tried in said court without the consent of the parties; and provided further, that the judge of said court may order a recess during all and any part of the week beginning on December 24th. of each year, not extending beyond six court days; and provided further, that no civil cases shall be set for hearing in said court except by consent of the parties during the week next preceding each call of the division of the Supreme Court, including the Twenty-Fourth judicial Circuit, and during the first week of such call.

Section 6. That the said Twenty-Fourth Judicial Circuit is added to and becomes a part of the Sixth Division of the Supreme Court of Alabama.

Section 7. That there shall be organized and empaneled for said Twenty-Fourth Judicial Circuit at least two grand juries each year, and as many more grand juries each year as the judge of said court, may deem necessary for the public good. The grand juries shall have, exercise and possess all of the jurisdiction and powers that now are, or may hereafter be conferred by law on, the grand juries of the several circuit courts of this state; and the grand jury and petit jury shall be drawn by the judge from the qualified jurors residing within the territorial jurisdiction of said court in the same manner as the same are now drawn or may hereafter be provided for.

Section 8. That the said circuit court for all practical purposes may be designated and referred to as Bessemer Circuit Court.

Section 9. The Judge of said Circuit Court may appoint not more than two bailiffs to serve said court and the salaries and terms of office of such bailiffs shall be the same, and the manner of payment the same as now provided for the bailiffs of the Bessemer Division of the Circuit Court of Jefferson County. The clerk of said Circuit Court shall be ex-officio Register in Chan-

cery or Register of the Circuit Court, and he shall serve as such ex-officio Register without extra compensation.

Section 10. The Judge of said court is hereby authorized to designate and appoint a competent court reporter for said court, to perform the duties of official court reporter of said court, and such reporter shall work under and subject to the same rules, regulations, restrictions and laws that the reporter of the Bessemer Division of the Circuit Court of Jefferson County is subject to, and such reporter shall receive the same salary and compensation, and be paid in the same manner as the reporter of the Bessemer Division of the Circuit Court of Jefferson County receives and is paid; provided that in addition to the compensation now being received by such reporter of the Bessemer Division of the Circuit Court of Jefferson County, the reporter transcribing the notes of proceedings before the grand jury of said court shall receive as compensation therefor the same rate per folio as is now provided by law for all transcripts in the Bessemer Division of the Circuit Court of Jefferson County, which payment shall be out of the treasury of said County on warrants issued by the judge appointing such reporter.

Section 11. That the Board of Revenue or other proper authorities of Jefferson County shall make and provide full, proper and adequate quarters and equipment for the holding of said court at Bessemer in like manner as is provided for in the holding of the Circuit Court at Birmingham.

Section 12. That all appeals from Inferior Courts, or other courts, within the territory comprising the Twenty-Fourth Judicial Circuit shall be taken to the said Circuit court under the same conditions and in the same manner as is provided by law for such appeals to the other circuit courts of this state. All warrants, or writs of arrest, issued by justices of the peace, notaries public exercising the jurisdiction of justices of the peace, Judges of Inferior Courts created in lieu of justices of the peace, and all similar offices by whatever name called for the commission of misdemeanors arising or committed in the territory comprising the Twenty-Fourth Judicial Circuit over which they have now final jurisdiction, shall be made returnable directly to said circuit court for trial, and shall there be tried without an indictment of a grand jury: and the circuit Judge presiding over the Circuit Court of the said Twenty-Fourth Judicial Circuit is authorized to issue warrants or writs of arrest in all misdemeanor cases when the misdemeanor for which the warrant or writ of arrest is issued has been committed or arises in the territory comprising said circuit, returnable directly to said court for trial, without an indictment of a grand jury.

Section 13. This Act shall take effect on the first Monday after the second Tuesday in January, 1929, but it shall become

effective so as to authorize the nomination and election within and for said Twenty Fourth Judicial Circuit a judge, and clerk of said Twenty-Fourth Judicial Circuit in 1928.

Section 14. Nothing herein contained shall be construed to affect or in any manner interfere with the branch offices of the County officers now established and maintained at Bessemer, but such branch offices shall continue in all respects as now maintained and established by law.

Section 15. That all laws, local, general or special, now applicable to the Bessemer Division of the Circuit Court of Jefferson County or the offices of Judge, Deputy Solicitor or Deputy Clerk thereof which are not in conflict herewith are hereby continued in full force and effect and made applicable to the said Circuit Court of the twenty-fourth Judicial Circuit and the offices of Judge, Solicitor, and Clerk thereof in all respects as they now apply to said Bessemer Division of the Circuit Court of Jefferson County and said offices thereof.

Section 16. That if any section, sentence, clause, or provision of this Act is held to be unconstitutional or void, such holding shall not in any manner affect any other section, sentence, clause or provision of this Act that is not in itself unconstitutional or void.

Section 17. That all laws and parts of laws general, local or special, in conflict herewith are hereby expressly repealed.

Approved September 9, 1927.

No. 635)

AN ACT

(S. 413. Jack

To fix certain duties upon the State Commission of Forestry with reference to lands to which the State of Alabama holds the legal title for itself, or as Trustee, and State Parks, and lands belonging to any institute or department of the State, or to any township thereof, or to the inhabitants of any such Township.

Be it Enacted by the Legislature of Alabama:

Section 1. The term "used lands", as used in this Act, means lands that are being utilized for the specific and immediate purposes of the State, or of any institution or department thereof, or by any Township or the inhabitants thereof, and includes building grounds and premises, experiment farms, leased, mined, or cultivated property, and any other tracts utilized by, or for the operation of, any institution or department. The term "unused lands", as used in this Act, means lands not utilized for the immediate purposes of any institution or department, not being cultivated, leased, or mined, and not contiguous to the premises of any department or institution, or State building.

Section 2. It shall be the duty of the State Commission of Forestry to ascertain the description and location of all lands to which the State holds the legal title for itself, or as Trustee, and all State Parks, and all lands belonging to any institution or department of the State, and to any Township thereof and to the inhabitants of any such Township, and to make a separate record for each ownership of all such lands, describing such lands by Government numbers when susceptible of such description, and, when not susceptible of such description, then by some other adequate description whereby the same can be identified. The lands belonging to the various ownerships above described shall be classified, in a separate record as to each, as "used" or "unused" lands; such record shall also show the manner in which title thereto was acquired, the character of the title, the general character of such land, that is, whether chiefly valuable for agriculture, mining, timber culture or other use, and the use to which the same is being put.

Section 3. Said records shall be prepared and kept in duplicate, one copy of each of said records being kept in the files of the State Commission of Forestry and one copy containing the record of the lands pertaining to each department or institution of the State, respectively, shall be filed with such department or institution.

Section 4. That it shall be the duty of the State Commission of Forestry to ascertain what, if any, lands the State, or any institution thereof, is entitled to which have not been received, allocated to or set aside to the State, or such institution, and to take immediate and appropriate action to acquire the same for the State or such institution as may be entitled to the same. Such lands, as well as any other lands acquired in any manner by the State, or any institution thereof, shall be added to the record hereinabove required to be made, as soon as such lands are acquired.

Section 5. The State Commission of Forestry shall have jurisdiction over and control of all said State Parks and unused lands, so long as they remain such, and shall look after and protect such lands from depredation so far as may be possible, and shall recommend to the Governor, or to the Department or institution to which the use of said lands is devoted, from time to time the policy to be adopted in regard to said lands, which in its opinion will be most conducive to the interests of the state, or of the department or institution to which said lands belong or pertain.

Section 6. It shall be the duty of the State Commission of Forestry as to all unused lands owned absolutely by the State, to determine which of said lands are most suitable to be devoted to forest culture, and to make a list of such lands and file the same

in the office of the State Auditor, and the lands as shown on such list, shall thereafter, at the direction of the Governor, be devoted to forest culture, or to the purposes of State Parks, under the administration of the State Commission of Forestry as State Forests or State Parks.

Section 7. The State Commission of Forestry shall, where any of the lands of the State, or of any institution of the State are scattered, undertake to see if such ownership may be concentrated by the exchange of such lands with individual owners.

Section 8. The duties and powers herein placed upon and vested in the State Commission of Forestry are to be exercised in subordination to, and without prejudice to the right of the beneficiary of any trust under which the State may hold said lands, or of the rights of any institution of the State, but the State Commission of Forestry shall act as technical advisor to the State and to any such institution or political subdivision, or the inhabitants thereof, with reference to such lands.

Section 9. That all laws, or parts of laws, in conflict with the provision of this Act be, and the same hereby are repealed.

Approved September 6, 1927.

No. 636)

AN ACT

(S. 418. Fite

Relating to dependent, neglected or delinquent children in all counties of Alabama which have a population of as many as Two Hundred Thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, and which counties now have, or which counties shall hereafter have a Juvenile and Domestic Relations Court; to define who are dependent, neglected or delinquent children; to declare that such children shall be wards of the Juvenile and Domestic Relations Courts of such counties; to provide for their protection, guardianship, custody, care, supervision, discipline, and generally for their welfare; to confer upon such Juvenile and Domestic Relations Courts in such counties original and exclusive jurisdiction and authority to adjudicate and enforce all questions and matters arising under or provided for by the terms of this Act, and to confer upon such courts full power and authority to try and determine all such questions; or which may be otherwise referred to them by law, for adjudication, or which may be necessary or convenient to the exercise of such jurisdiction, or to carry out the purpose and intent of this Act; to confer upon such courts authority to make rules and regulations, and to devise and have printed, such records and forms, where not otherwise provided for under the terms of this Act, as shall be found necessary or convenient to the exercise of its jurisdiction, or which shall be necessary or convenient for the conduct of the Detention Home or Parental School, or for the conduct of probation officers, or their work as provided for in this Act; to create and provide for Advisory Boards to such courts, and to define their duties; to make it a misdemeanor by act, or omission, or otherwise to

aid, abet, cause, connive at or contribute to the dependency, neglect, or delinquency of such children, in such counties, or to conceal or otherwise interfere with the custody of such children, or to interfere with or obstruct probation officers in the discharge of their duties, and in certain contingencies for injunctions in such cases, and to provide for the trial and punishment of such offenders; to provide for investigations by probation officers, and the effect of their reports as evidence; to provide for the taking and enforcement of recognizances when same are made by a minor with adults as sureties; to provide that all proceedings under the terms of this Act in dealing with the children described herein shall be in equity, and civil in their nature, and to regulate same; to provide for the trial of any delinquent child as defined by this Act, in a criminal court of competent jurisdiction when the court after investigation or trial is convinced that such child cannot be made to lead a correct life under the discipline provided for such delinquent under the terms of this Act; to provide that under certain contingencies male children between sixteen and eighteen years of age shall be dealt with as delinquents; to provide for the establishment and maintenance of a Detention Home or Parental School, and for the appointment and compensation of probation officers, and for other expenses incident to the purposes of this Act; to provide for the appointment of referees, and to define their powers and duties; to declare when this Act shall take effect, that should any part of this Act be found to be unconstitutional that it shall not affect the remainder thereof, and to provide for the repeal of all laws inconsistent, or in conflict with this Act:

Be it Enacted by the Legislature of Alabama:

Section 1. That in all the counties of this State now having or which may hereafter have a population of as many as Two Hundred Thousand people according to the last Federal Census, or which shall have such population according to any such census which may hereafter be taken, and which counties now have, or which counties shall hereafter have a Juvenile and Domestic Relations Court, all dependent, neglected or delinquent children as defined herein, residing or being actually in such counties, for the purpose of this Act, shall be considered wards of the said Juvenile and Domestic Relations Court, and in need of its care and protection; and shall be subject to all the terms of this Act, and to the jurisdiction, custody, control, discipline, supervision and guardianship of said Juvenile and Domestic Relations Courts, and shall be dealt with by said courts as provided for herein.

Section 2. That for the purpose of this Act the words, "dependent child" shall mean any male child, who while under sixteen years of age, or any female child who while under eighteen years of age, residing or being in such county, for any reason, is destitute, homeless, or is dependent on the public for support; or whose parent, or parents, for good cause, desire to be relieved of its care and custody; or who is without a parent or guardian able to provide for his or her support, training and education; or whose custody is the subject of controversy, or who is mentally defective, or mentally distorted.

Section 3. That for the purpose of this Act the words "neglected child" shall mean any male child who while under sixteen years of age, or any female child who while under eighteen years of age, residing or being in such county is abandoned by both parents, or if one parent is dead, by the supervision, or by his or her guardian, or custodian; or who has no proper parental care or guardianship; or whose home, by reason of mental condition, neglect, cruelty, habits or depravity of his or her parent or parents, guardian or other person in whose care he or she may be, or by reason of any condition imperiling the physical welfare of such child, is an unfit or improper place for such child; or who is found begging, receiving or gathering alms, or who is found in any street, road or public place for the purpose of so doing, whether actually begging or doing so under the pretext of selling or offering for sale any article or articles, or of singing or playing on any musical instrument, or of giving any public entertainment or accompanying or being used in aid of any person so doing; or whose parent, parents, guardian or custodian neglect or refuse, when able to do so, or when such service is offered without charge, to provide, or allow, medical, surgical, or other remedial care necessary for his or her health or well being; or whose parent, parents, guardian or custodian permits to engage in, or who engages in, an occupation or calling contrary to the provisions of the child labor law of this State, or whose parent, parents, guardian or custodian fails, refuse or neglect to send to school, or who fails to attend school, in accordance with the terms of the Compulsory School Attendance Law of this State, or who so deports himself or herself, or is in such condition or surroundings, or is under such improper or insufficient guardianship or control as to endanger the morals, health or general welfare of such child; or who is not being reared or cared for in accordance with the provisions of any law, regulation or ordinance, for the education, care or protection of children, or who for any other cause is in need of the care and protection of the State.

Section 4. That for the purpose of this Act the words "delinquent child" shall mean any male child who while under sixteen years of age, or any female child who while under eighteen years of age, being or residing in such county, violates any penal law of the United States or of this State, or any regulation, ordinance or law of any city, town or municipality of such county; or who commits any offense or act for which he or she could be prosecuted in a method partaking of the nature of a criminal action or proceeding; or who is beyond the control of his or her parent, parents, guardian or custodian, or who defies their authority, or who is otherwise incorrigible; or who is guilty of immoral conduct; or who is leading, or from any cause is in danger of leading an idle, dissolute, lewd or immoral life; or who is

found in any place, for permitting which, an adult may be punished by law; or a male child between the ages of sixteen and eighteen years of age, who has been brought before any other court, charged with a crime, and which court has by proper order transferred said child to the said Juvenile and Domestic Relations Court to be dealt with under the terms of this Act.

Section 5. That in each and all counties of this State which have a population of as many as Two Hundred Thousand people according to the last Federal Census, or which shall have such population according to any such census that may be taken hereafter, and which counties now have, or which counties shall hereafter have a Juvenile and Domestic Relations Court, the said Juvenile and Domestic Relations Courts in such counties shall have and exercise original and exclusive jurisdiction to hear, determine and adjudicate all questions and cases coming within the terms and provisions of this Act, and shall exercise all the powers and functions which are herein conferred on such Juvenile and Domestic Relations Courts. Said Juvenile and Domestic Relations Courts shall have, under their equity jurisdiction and sitting as a Court of Equity, power under the terms of this Act, to determine the question of the dependency, neglect, or delinquency of any child or children, in such counties, and when so adjudicated to declare such child to be, for the purpose of this Act, a ward of the court. Upon and after making such adjudication the said Juvenile and Domestic Relations Courts shall have power, and it shall be their duty to make and enter such orders or decrees for the custody, discipline, supervision, care, protection and guardianship of said child as in the judgment of the said court shall be for his or her welfare and best interest. If it appears to the court from the evidence that any person, or persons, is or are, in any way, contributing to the dependency, neglect or delinquency of any such child, or exerting any evil or harmful influence over any such child, the court may by an injunctive order directed against such person or persons protect such child against such influence in the way that shall seem most conducive to such end, and may, to the extent that shall be reasonable, prohibit all future relations between such person or persons, and such child, or children; provided that nothing in this paragraph shall be construed so as to interfere with the prosecution of offenders under Section Twenty (20) of this Act.

Section 6. The style or title of the proceedings in said court shall be—State Of Alabama—In the matter of (here insert the name) a child under sixteen or eighteen years of age, as the case may be, if a male, or eighteen years of age, if a female. Any person having knowledge or information that a child who resides in or who is actually within said county, is within the provisions of this Act, or subject to the jurisdiction of said Juvenile and

Domestic Relations Courts, may, and a probation officer of said courts having such knowledge, or information, shall, file with the said court a verified petition, which petition shall set forth the name, residence and age of the child, and the name and residence of the parent or parents, if known to the petitioner, or can be ascertained, and the name and residence of the person or persons having the guardianship, custody, control or supervision of such child, if the name be known, or can be ascertained by petitioner, or the petition shall state that they are unknown and cannot be ascertained, if that be the fact. The petitioner shall state the facts which bring said child within the provisions of this Act, and it shall be sufficient for that purpose to aver that the child mentioned therein is dependent, neglected or delinquent, as the case may be, and in need of the care and protection of the court, in that (here stating succinctly the facts which bring said child within said terms as herein defined), and shall be sworn to by petitioner before the clerk of said court or any officer authorized by law to take affidavits, but such affidavit may be made upon the information and belief of affiant.

Section 7. Upon the filing of the petition with the court, or of an order of transfer from another court, as provided for herein, the chief probation officer of said Juvenile and Domestic Relations Court, may forthwith, or after causing an investigation to be made by a probation officer, or other person, cause a summons to be issued, signed by the register, or clerk, or judge of said Juvenile and Domestic Relations Court, requiring the child to appear before the court, and requiring the parents, guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be found, or both, or any other person whose presence the judge of said court deems necessary, to appear with the child, at such time and place as may be stated in the summons, to show cause why the child should not be dealt with according to the provisions of this Act; provided, however, that, if after said investigation is made, the chief probation officer is of the opinion that such cause is not a meritorious one, he may decline to ask the register, clerk, or judge for a summons, and the court may upon his motion dismiss such petition, or order a summons issued as to the court may seem just. Said summons shall set forth the charges contained in said petition, or order of transfer. If it appears from the petition that the child is charged with having violated any penal law of this State, or of the United States, or of any municipality in said county, or that the child is in such condition that its welfare requires that its custody be immediately assumed, the register, clerk, or said judge, may endorse upon the summons a direction that the officer serving the same shall at once take said child into his or her custody. When any child is taken into

custody under such summons, or is in the custody of the court under any order of transfer from any other court, such child may, if charged with a bailable offense, unless in the judgment of the said court, it is inconsistent with his or her welfare, be admitted to bail, or released on his or her own recognizance, or released into the custody of a probation officer, or parent, or parents, or other person designated by the said register, clerk or judge of said court. When not so released said child may be detained pending the hearing of the case in the Detention Home or Parental School hereinafter provided for, or in such other place, or with such other person, or persons, or institutions, as the Judge of said court shall order.

Section 8. In the counties described in this Act,, no dependent, neglected or delinquent child, as defined herein, after having been duly adjudicated to be such, shall be placed or kept in a jail, calaboose, common lock up, or other place where criminals are confined, except by order of the judge of said Juvenile and Domestic Relations Court.

Section 9. Service of such summons upon the child mentioned therein shall be made by delivery to and leaving with the father or mother of such child, or with the parent with whom such child is living, or with the person in whose custody the child may be, a true copy thereof—and when the summons so directs, by taking said child in custody by the officers serving same. When the summons is directed to the child and to such child's father or mother, or both, service of one copy on either parent, if they be living together, shall be sufficient service on both parents and child; or on the child and the parent with which such child is living. When such child has no custodian, or no parent or custodian upon whom such summons can be served, the court shall appoint a guardian ad litem for said child upon whom such summons must be served, unless such service be waived in writing by such guardian ad litem. Service of such summons on the person, or persons, mentioned therein, other than the child, if residents of this State, and their place of residence is known, shall be made, except as is herein otherwise provided, by delivering to and leaving with such other person, or persons, a true copy thereof. In the event that such other person or persons are none-residents of the State, and their place of residence is known, it shall be sufficient service to deposit in a United States post office in such county a true copy of such summons, in a postpaid, sealed envelope addressed to such person or persons, at such address or addresses; but such service shall not be held to have been perfected, nor shall such case be called for trial until a reasonable time has elapsed from the time of the posting of such summons, unless with the consent of such other person, or persons, so named in such summons, which consent may be shown

by letter, telegraph, telephone, or in any other way satisfactory to the court. In the event that the names of the parent, or parents, guardian, or those legally entitled to the custody of such child cannot be ascertained; or if their names being known, their place or places of residence cannot be ascertained; or if for any other cause they cannot be found, or if for any other reason it shall appear that service of such summons cannot be had on such persons, as provided above—this being a proceeding on the part of the State to protect and care for such children—no service of a summons shall be necessary in such cases to give the court jurisdiction thereof. In the event that no service of summons is had for the reason set out above, it shall be the duty of the judge of such court hearing such cases to satisfy himself that diligent effort has been made to ascertain the names and places of residence of the parent, parents, guardian, or person, or persons, legally entitled to the custody of such children, before hearing such case; and such judge may in any event order service by publication, as in other Chancery cases if in his opinion the cause of justice require, in which case, if there be no other means of meeting such expense, same shall be paid by the county in which such proceedings are had. If the child mentioned in the summons be present in court at the time of the hearing, no summons to said child shall be necessary to give the court jurisdiction of such child. When the person named in the summons other than the child is present in court at the hearing, or for any of the reasons set out above has not been served with a copy of the summons, or when said child is in court, by reason of the violation of any law, Federal, State, or Municipal, service of a summons upon such other person named in the summons shall not be necessary to give the court jurisdiction; but if such other person be not present in court, and if for any of the reasons set out above has not been served with a summons, the court must appoint a probation officer, or some other discreet person, to act as guardian ad litem to represent the interest of such child, and such guardian ad litem shall be present at the hearing of said case to represent said child. The summons herein provided for shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a contempt of the court. In addition to contempt proceedings, where parents or other necessary parties fail or refuse to obey such summons, the court may enforce their attendance by the issuance of a warrant to bring such person into court. In addition to the officers now authorized and required by law to serve processes issued from said courts, the judge of said Juvenile and Domestic Relations Courts may designate a probation officer or officers, of said court, a police officer, or officers of any municipality in said county, or other person, or per-

sons, to serve processes issuing from said courts arising under this Act, and in the discharge of said duty, such probation officer, or officers, police officer or officers, or other person or persons shall have the same authority as the Sheriff of said county, and such officer's or person's return shall have the same force and effect as the Sheriff's return. Should any person, who by reason of not having had any legal notice of such proceeding, have a legal right to be heard in such cause, such person must assert such right by filing a petition in such cause setting out such right, and asking to be heard thereon, within ninety days from the rendition of the decree adjudging such child a dependent, neglected, or delinquent child, and a ward of the court, and such right if any there be, shall or must be so asserted and within such time, or same shall be barred.

Section 10. All cases arising under the terms of this Act shall be considered ready for trial, and may be set for hearing at any time after the service of summons has been perfected, or the custody of the child has been assumed; but no case shall be heard at a date earlier than five days after such perfection of service or assumption of custody, if objected to by such child, parent, custodian, or guardian ad litem, or by their attorney.

Section 11. Upon the return of the summons, or at the time set for the hearing, the court may proceed to hear and determine the case. At such hearing the nature of the proceeding shall be explained to the child and to the parents, custodian, or guardian. The judge of said court may conduct the examination of the witnesses, subject to the rights of counsel, and may take testimony and inquire into the habits, surroundings, conditions, tendencies and guardianship of said child to enable the court to determine if such child is dependent, neglected, or delinquent, and if so, what order or judgment will best conserve the welfare of said child and carry out the objects of this Act. If said child is found by the court, to be dependent, neglected or delinquent, the court shall so adjudicate, and thereafter, unless the decree of the court is annulled, by appeal, as provided for by law, or by the order of a superior court of competent jurisdiction, said child shall during his or her minority, or so much thereof as the court shall consider it to be for the best interest of said child, for the purpose of this Act be considered a ward of the court, and be subject to the guardianship of the court as herein provided for. After such hearing and adjudication the court may place the child under the care and control of a probation officer, and may allow such child to return to or remain in his or her home, or with his or her parent, parents, guardian, or custodian, subject to the visitation of the probation officer, and such other conditions as the court may deem to the best interest of such child, to be returned to the court by such parent, parents, or probation officer, when

ordered to do so by the court, or judge thereof, for further proceedings whenever such action may appear to said court or judge necessary; and as a condition to such order of release or commitment, in its or his discretion, may require such child, parent, parents, guardian, or custodian to execute a probation bond in such reasonable sum as the judge of said Juvenile and Domestic Relations Court may designate, to faithfully carry out the conditions of such release or commitment. Such bond may be with or without sureties, and shall be approved by the judge of said Juvenile and Domestic Relations Court. Or the Court may order the child to be placed in a suitable family home, willing to receive it, subject to friendly visitation and supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable home in such manner as is now, or which may be hereafter provided by law, or arranged by voluntary contribution, or otherwise, for such board, until a suitable provision may be made for such child in a home without such payment; or the court may commit such child to any orphanage or institution for the care of children, in this State, which is willing to receive it; or the court may commit such child to any person, institution, association or corporation willing to receive it, that may care for children in the State of Alabama; or the court may commit any delinquent white boy to the Alabama Boys' Industrial School, and any delinquent white girl to the State Training School for Girls, and any dependent white girl who is in danger of becoming delinquent to the Alabama Vocational School for Girls; or the court may commit such child to the Child Welfare Department of this State, or to any other State institution or agency which is now or which may be hereafter established to receive and care for children coming under the provisions of this Act; or the court may commit such child to the Detention Home, or Parental School, provided for herein; or to any person, persons, or institution with whom the judge of such Juvenile and Domestic Relations Court has arranged or may arrange for such detention or care; or the court may make such other order or decree as to the court shall seem to be for the best interest of said child. It is hereby made the duty of the said Juvenile and Domestic Relations Courts to cause a thorough investigation to be made as to the fitness of any custodial agency, except state institutions, to receive and care for such children, before committing such children to such custodial agency. During the probation period, and during the time when such children shall be committed to any institution; or to the care of any society or association or person for custodial purposes, such children shall be subject to the personal visitation of probation officer, or other agent of the court as may be appointed for that purpose; and any order or judg-

ment of the court in the case of any such child made in the exercise of its said guardianship shall be subject to modification from time to time, *ex mero motu*, and without notice, as the court may consider best for the welfare of such child, and no commitment of any child to any institution or other custodial agency shall deprive the court of the jurisdiction to change the form of the commitment or transfer the custody of said child to some other institution or agency on such conditions as the court may see fit to impose, the duty being constant upon said court to give such child, subject to its jurisdiction, such oversight and control as may conduce to the welfare of said child, and the best interests of the State; and said court may, at any time by order entered upon the records of said court release or discharge any such child from custody or control in which it may be at such time, subject to be retaken and put into control and custody on failure to comply with the terms and conditions that may be prescribed in said order by the court; provided, however, that any modification of any order of said court, made in the exercise of its guardianship over such child, *ex mero motu*, and without notice, as provided for in this section, shall be subject to review, on the petition of any party in interest, who feels aggrieved thereby. Such petition shall be filed with the register or clerk of said court within ten days from the time such modification order is entered, and not thereafter. An appeal may be taken from the decree on such petition, as in other cases. In committing any child to any custodial agency, or placing it in any guardianship other than that of its natural guardian, the court shall, as far as practicable, select as the custodial agency some individual holding the same religious belief, if any, as the parents of such child, if any; or some institution or association governed by persons of the same religious faith as that of the parents of the child, unless the institution be a state, county or municipal institution.

Section 12. Said court shall have power upon hearing of any case involving any such child to exclude the general public from the room where said hearing is held, but it shall admit thereto such persons as may have a direct interest in the case. The records of any such cases may be held from indiscriminate public inspection, but such records shall at all reasonable times be open to inspection by such child, its parents or guardian, or its attorneys, or the attorney for its parents, or guardian. The hearing and proceedings herein provided for may be conducted in the judge's chamber or in any room or apartment that may be provided for in such cases, and in such places in the county as may be convenient to the court and all parties concerned. No adjudication or judgment under the provisions of this Act shall operate to disqualify such child from any office in any State or

municipality, or from any civil service under any part of the government, and such child shall not be denominated or held to be a criminal by reason of any such adjudication, nor shall such adjudication be held to be, or denominated, a conviction; except, however, that the provisions of the last paragraph shall not apply to prosecutions had under the provisions of Section twenty-one (21) of this Act.

Section 13. Nothing in this Act shall be construed as forbidding the arrest, in such counties, with or without warrant, of any child as is now or may hereafter be provided by law. Whenever a male child under sixteen years of age or a female child under eighteen years of age, and who otherwise comes under the provisions of this Act, is brought before any magistrate or court in any such county, such magistrate or court shall forthwith, by proper order, transfer the case to the said Juvenile and Domestic Relations Court, and shall order and direct that said child be taken to the Detention Home or Parental School, herein provided for, where it shall be received, held and cared for as provided herein. Said magistrate or court may, however, admit such child so transferred to bail, or release such child into the custody of some suitable person, to appear before said Juvenile and Domestic Relations Court at a time designated in said undertaking of bail, or in said order of transfer; provided however that any criminal court in said county, or any court exercising criminal jurisdiction, before which any male child between the ages of sixteen and eighteen years of age is brought, charged with the commission of a crime, shall have authority, if such court shall deem it to be in the interest of justice and of the public welfare, to in like manner transfer such child, by proper order, to the jurisdiction of said Juvenile and Domestic Relations Court, to be dealt with as a delinquent child, under the terms of this Act; and when so transferred such child shall come under all the terms and conditions of this Act, and be so dealt with as other children are dealt with under this Act. All informations, depositions, warrants and other processes in the hands of such magistrate or court shall be by him or the clerk of said court forthwith transmitted to the register or clerk of said Juvenile and Domestic Relations Court and shall become a part of its records. Said Juvenile and Domestic Relations Court shall thereupon have jurisdiction of said cause, and shall proceed to hear and determine said case so transferred in the same manner as if the proceedings had been instituted in said court by petition as herein provided for.

Section 14. If in the course of a proceeding instituted under this Act it shall appear to said Juvenile and Domestic Relations Court that the welfare of such child will be best promoted by the appointment of a general guardian of his property, or of his

person, or both, the judge of said court, or some person designated by him, shall apply to the Probate Judge of said county for the appointment of such guardian.

Section 15. Whenever any child is found to be dependent, neglected, or delinquent, and the court, in the exercise of its discretion, shall take the custody of said child from its parents, or either of them, or from the custody of any person, or persons, liable for its support and place it in the custody of the other parent, or of any other person, or in the detention Home, or Parental School, or in any institution or any custodial agency, the court may, after the service of an order to show cause, upon the person from whose custody the said child has been taken, why the said child should not be supported by said person, or if such person be present in court, without such order or notice, order and adjudge, that all, or a certain designated part, of the expenses of caring for said child by the other parent, person, custodial agency, or institution, public or private, appointed by the court, shall be paid by such person or persons; and in the event such person or persons shall be adjudged liable to pay such expenses for the care of such child, may direct how said money shall be paid to said institution, person, or other parent, and when the same shall be paid; and in the event that said person so adjudged liable to pay such expenses without just excuse, fails, or refuses to pay same in accordance with the court's said order, said person so failing to pay same shall be in contempt of the court, and may be punished as provided for the punishment of contempt of court.

Section 16. The court, in its discretion, either before or after the hearing shall have authority to cause any child, who has been transferred to its jurisdiction by another court, or against whom a petition has been filed, to be given a physical or mental examination, or both, by a competent trained nurse, physician, psychologist, or psychiatrist, to be designated by the Court, and the nurse, physician, psychologist, or psychiatrist shall certify to the court the physical and mental condition of such child. Should any such child be found to be in need of medical care, the court shall have jurisdiction and authority to order such child treated in either a public or private hospital, or otherwise given such care as shall be for the best interest of such child. In the event that the petition filed in said Court avers that the child mentioned therein is in immediate need of medical care, or when any child named in such petition, or who has been transferred to said court by any other court, appears to need such care, the court shall have authority to order such examination of such child, by such nurse or physician, before the hearing of said petition, and if such examination discloses that such child is in immediate need of medical care, the court shall have authority to

order such child treated in such public or private hospital, or otherwise given such care, as shall be for the interest of said child. Any such expense incurred by order of said court shall be a charge against the county wherein said court is located and has jurisdiction, and shall be paid by said county when certified by the judge of said court as correct.

Section 17. The judge of said Juvenile and Domestic Relations Courts of such counties may arrange with any person or persons, or with any incorporated or unincorporated society, societies, association, or associations, that maintain, or are willing to maintain, a suitable place of detention for dependent and neglected children, or for delinquent children, or both, in said county, or with one or more of them for the use of such place or places as a detention home or Parental School for such class, or classes, of children coming within the provisions of this Act, and may make an order which shall be effectual for that purpose, and a reasonable appropriation shall be made by the Board of Revenue, Board of County Commissioners, or other similar board of such county, out of the proper fund of said county toward the expense incurred by said person or persons, society or societies, association or associations for the care of such children coming under the provisions of this Act. If, however, said judge shall make known to such Board that a suitable arrangement for the care of such dependent and neglected children, or for such delinquent children, either or both, cannot be so made or obtained, the Board of Revenue, Board of County Commissioners, or other similar board, of said county shall immediately establish, equip and maintain, on any property which said county now owns, or which said Board may see fit to acquire by lease, purchase or otherwise, which said lease or purchase said boards are hereby authorized to make, a home for the detention of such children, separated entirely from any place of confinement of adults, or criminals convicted or held by order of any court, to be called the Detention Home, or Parental School, which shall be conducted as an agency of the said court, for the purpose of this act, and shall be, as far as it reasonably can, furnished and carried on as a home, or school, and shall be in charge of a superintendent or matron, one or both as becomes necessary, who must reside therein. The Advisory Board of the Juvenile and Domestic Relations Court, shall have authority to appoint said superintendent or matron, either or both, and such other officers or employees of said Detention Home, or Parental School as are necessary to the proper conduct of such institution, and to fix the salaries of such persons in the same manner in which the probation officers are appointed and their salaries fixed under this Act, provided the minor employees of said Detention Home may be employed and discharged by the superintendent or matron of said

institution. The said Advisory Board may appoint as such superintendent, a probation officer, with or without additional salary. The necessary expenses incurred in maintaining said Detention Home or Parental School, including the necessary salary of the superintendent, matron, and other officers and employees of said Detention Home, shall become a charge against the general fund of the said county and shall be paid by said county, in the same way that probation officers' salaries are paid.

Section 18. The Advisory Board of said Juvenile and Domestic Relations Court, shall have authority and shall appoint a chief probation officer and such deputy probation officers as are necessary to properly carry out the spirit and intent of this Act, whose duty shall be to act under the direction of the Chief Probation officer in accordance with such rules and regulations as shall be made by the Judge of said Court in carrying out the provisions of this Act. Said probation officers may be either men or women, or both. The chief probation officer so appointed shall receive a salary not to exceed Three Thousand (\$3,000.00) Dollars per year; the Deputy probation officers shall receive a salary not to exceed Twenty Four Hundred (\$2400.00) Dollars per year. The amount of the respective salaries of said chief and deputy probation officers shall be fixed within said limits by said Advisory Board, at the time of the appointment of said officers, which said salaries, within said limits, may be changed from time to time by said Advisory Board. Said salaries shall be paid in monthly installments out of the general funds of said County. The judge of said Juvenile and Domestic Relations Court may, if found necessary or convenient for the adequate care and protection of the children under the jurisdiction and guardianship of the court, appoint one or more volunteer probation officers who shall serve without compensation from the county, upon such conditions and for such purposes as he may prescribe in his order of appointment. The Judge of said Juvenile and Domestic Relations Court shall have authority when he deems it to be for the best interest of the Court, by proper order, to remove any officer or employee appointed under the terms of this Act. Salaried probation officers of said court shall have all the power and authority of sheriffs, police officers, school attendance officers, and child labor inspectors, anywhere within the State, and may serve any process issued out of said Juvenile and Domestic Relations Court, and may make arrests in the execution of warrants of arrest issued from said Court; and the returns of such probation officers shall have the same force and effect as that of a sheriff.

Section 19. The judge of said Juvenile and Domestic Relations Courts shall have authority to appoint one or more probation officers to act as referee, or referees, to hear informally, in

the first instance, and adjust with the parties, or their counsel, such complaints and causes arising under the jurisdiction of said courts as shall be referred to them by said judge. Such referee or referees shall hold office during the pleasure of said judge. In all such complaints and causes coming before such referees they shall comply with the requirements of and conform to the procedure provided for the hearing of such complaints and cases by the court. Upon the conclusion of the hearing in each case the referee shall transmit to the court all papers in the case together with his conclusions and recommendations in writing. In case the conclusions and recommendations of the referee are satisfactory to the parties such conclusions and recommendations, when confirmed by the judge, shall become the judgment of the court. The cases wherein the recommendations and conclusions of the referee are not confirmed by the court, and the cases wherein the conclusions and recommendations of the referee are not satisfactory to the parties in interest, shall be by the clerk and register set for formal hearing by the court, and shall be heard by the court as other cases are heard, and as if there had been no informal hearing. The judge of said court shall have authority to make such rules and regulations for the hearings herein provided for, and to adopt and have printed such forms for same as shall be necessary or convenient for the proper conduct of such hearings and of making reports of same.

Section 20. Any person who shall commit any act, or omit the performance of any legal duty, which act or omission causes or tends to cause or encourage any male child under sixteen years of age or any female child under eighteen years of age, to become dependent, neglected, or delinquent, as defined herein, or which act or omission contributes thereto; or any person who shall by any act, word, conduct or omission of legal duty, or who shall by threats, commands, or persuasion induce or endeavor to induce, any such child, or who shall aid or encourage any such child, in such county, to do or perform any act, or to follow any course of conduct, or to so live as would cause, or manifestly tend to cause, any such child, in such county, to become, or remain, dependent, neglected, or delinquent, as defined herein—to the end that such children may be protected from such influences—shall be guilty of a misdemeanor, and upon conviction of said offense may be fined not more than Five Hundred (\$500.00) Dollars, and in addition thereto may be sentenced to hard labor for the county for not more than Twelve (12) months, or to a term of imprisonment in the county jail for not more than twelve (12) months. The said Juvenile and Domestic Relations Courts shall have original and exclusive jurisdiction to hear and determine all cases arising under this section and such cases shall be instituted and tried in such courts, in the

same manner as is now, or may hereafter be provided for the institution and trial of other misdemeanors in said courts, and shall be subject to all the provisions governing misdemeanor cases in such courts. Regardless of whether the defendant be held guilty and fined, or sentenced, or both, or not, at any trial under the provisions of this section, if the evidence, in the opinion of the court, establishes to that degree of certainty required in civil cases, the guilt of the defendant, then in either event the court may, if in its judgment it be conducive to the welfare of said child, issue an injunctive order, which in the case of conviction, fine, or sentence, or both, shall be in addition thereto, directed against the defendant as provided for in Section Five (5) of this Act. An affidavit in the following form shall be sufficient to charge the offense created and set out, in this Section:

The State of Alabama } In the Juvenile and Domestic Relations Court of (name of County),
(Name of County), County } County.

County.

Personally appeared before me, (here insert name of officer authorized by law to receive such complaints and affidavits, and issue warrants of arrest thereon of the Juvenile and Domestic Relations Court of (name of county), County, (here insert name of complainant), who being by me first duly sworn deposes and says: First: That (here insert name of accused), has within twelve months before the making of this affidavit, in said county, committed an act, or omitted the performance of a legal duty owed by the said (here insert name of accused), to the herein after named child, which act, or omission of legal duty, cause, or tended to cause, or encouraged (here insert name of child) amale child under sixteen or eighteen (as the case may be) years of age, to become dependent, neglected or delinquent, as defined by law in said county, or that the said act or omission contributed thereto; in that the said (here insert name of accused), did within said twelve months, in said county (here state succinctly and clearly the act of omission complained of.) Second: Affiant further says, that the said (here insert the name of the accused), did within twelve months before the making of this affidavit, in said county, by act, word, conduct, or omission of legal duty, owed by the said (here insert name of accused) to the hereinafter named child, or by threats, commands, or persuasions, induce, or endeavor to induce, or did aid or encourage (here insert name of child), amale child under sixteen or eighteen (as the case may be) years of age, to do or perform an act, or to follow a course of conduct, or to so live as would cause, or manifestly tend to cause the said (here insert name of child) to become, or remain dependent, neglected or delinquent, as defined by law in said county, in that the said (here insert name of accused) did within twelve months, within said county (here

state succinctly and clearly the acts, words, threats, conduct, omission, inducements, etc., complained of), Against the peace and dignity of The State of Alabama. Affiant.

Sworn to and subscribed before me this the.....day of

.....19..... (here insert name of officer authorized by law to receive such complaints and affidavits, and to issue warrants of arrest thereon.) If merely injunctive relief is sought against one or more defendants or persons, as hereinabove provided, petition may be made therefor by a bill of complaint addressed to the said Juvenile and Domestic Relations Courts, or to a judge thereof, and such proceedings shall be governed by the rules of Chancery pleading and practice; except that ten days shall be the limit of time allowed for appearance and answer after service of summons, in such proceedings.

Section 21. If at any time, after thorough investigation, or trial of its disciplinary measures, the court or judge thereof is convinced that any delinquent child brought before it under the terms of this act, cannot be made to lead a correct life, and cannot be properly disciplined under the provisions of this Act, the Court or judge thereof shall have authority to transfer such delinquent child to the jurisdiction of any court in said county, having jurisdiction of the offense of which said child was, or is charged, there to be proceeded against according to law and if said child, if a male were over sixteen, and if a female, were over eighteen years of age. When such order or transfer is made the child so transferred may be committed to the county jail, or to any city jail or police station in such county pending the proceedings in the court to which said case is transferred, or may be released on bail by the judge of said Juvenile and Domestic Relations Court to answer such proceedings in said Court to which said case has been transferred. The Clerk of the Juvenile and Domestic Relations Court shall at once, upon said transfer being ordered, file with the clerk of the court to which said transfer is made, a copy of the order of transfer, and any warrant or other paper charging said child with the commission of such offense which has been filed in this court, which shall be sufficient to give such court jurisdiction of such case. In the trial in such court the proceedings had in this court shall not be given in evidence against such child.

Section 22. All bonds and undertakings taken and approved as provided by law, either for the appearance of any minor, or for the performance of any other duty or undertaking set forth in said bond, shall be valid and enforceable, even if the principal in said bond shall be a minor.

Section 23. It shall be unlawful for any person in such counties to remove, or conceal, or cause to be removed or concealed,

or attempt so to do, any dependent, neglected, or delinquent child, as defined in this Act, or one alleged in a petition or order of transfer filed in said court, to be so, or any child, whose custody is the subject of controversy in said court, in order that such child may not be brought before the court; or for any reason to interfere with the custody of, or remove, or attempt to remove any dependent, neglected, or delinquent child, or one alleged so to be, or any child whose custody is the subject of controversy in said court, who is in the custody of the court, or of a probation officer, or any other officer, or person designated by the court as a special officer, or any such child who has been by said court committed to any person, persons, institution, association or corporation, under the terms of this act, or by virtue of its general chancery jurisdiction; or for any person to interfere with or obstruct any probation officer, or other officer, in the discharge of his or her duty under this Act; or for any person to refuse to give such probation officer legal and proper information, known to such person, about any such child, when sought of such person by such probation officer, in the discharge of his or her duties under this Act, (provided that no such person shall be required to incriminate himself); or to give such probation officer false information, knowing it to be false, under such circumstances. Any person, in such counties, violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than One Hundred (\$100.00) Dollars, or sentenced to hard labor for the county not to exceed twelve months, one or both. Such Juvenile and Domestic Relations Courts in such counties shall have original and exclusive jurisdiction of offenses under this section; and such cases shall be instituted and tried in such courts, in the same manner as is now or may hereafter be provided for the institution and trial of other misdemeanors in said county, and shall be subject to all the provisions governing misdemeanor cases in such courts.

Section 24. The judge of said Juvenile and Domestic Relations Courts shall have authority to determine the form and character of the dockets and records, in cases arising under this Act, including those used in the hearings before the referee or referees herein provided for; and said judge shall have authority to and may promulgate and enforce such reasonable rules and regulations in reference to investigations and proceedings, as shall seem necessary, or convenient, and most conducive to the ends sought in this Act. Said judge of said Juvenile and Domestic Relations Court shall have authority to make such rules and regulations for the government, conduct and discipline of the Detention Home, or Parental School, and for the government of the probation officers herein provided for as to him shall seem

beneficial or necessary or convenient to accomplish the purposes of this Act. The said judge may also devise, and cause to be printed, for the use of attorneys, the public, and the court such forms as shall be found necessary or convenient for use in cases arising under this Act.

Section 25. All expenses necessary or appropriate to carrying out the purpose and intent of this Act, and all expenses of maintenance and care of wards of said courts, that may be incurred by order of the judges of said Juvenile and Domestic Relations Courts in carrying out the provisions and intent of this Act, shall be a valid charge against such county. It shall be the duty of the Boards of Revenue, or Boards of County Commissioners, or other governing body of such county, (and such boards shall have such authority) to provide adequately such means as are necessary or appropriate to, or which would further, the successful operation of this Act; and it shall be their duty to issue the county warrants for such expenses, and when so issued it shall be the duty of the county treasurer of such county to pay such warrants out of the general funds of such county.

Section 26. The voluntary admissions or confessions of any dependent, neglected or delinquent child, as described herein, or of the parent or parents of such child, made to a probation officer, or any other person, in reference to any cause or matter in such court, if otherwise competent, shall be received in such court as legal evidence; and the written or verbal report of facts or conditions, in reference to any child, or in reference to such child's manner of life, or condition, or environment which show, or tend to show, the social condition, or status of such child, made by a probation officer of said court, after an investigation in pursuance of any rule or order of court, shall be received in evidence in such court, in such case as prima facie evidence of such facts or conditions, and may be used by any party in interest, in such case; provided however, that the disposition of the case of a child dealt with for delinquency under this Act, or any admission or confession of such child or of such parent, or parents, to the probation officer, or court, nor any report of a probation officer made or given in pursuance of any rule or order of such court; nor any statement by any parent, or parents, of such child, in such proceedings, shall not be given or heard in any criminal proceedings against such child in any other court.

Section 27. No child in such county coming within the provisions of this Act shall hereafter be committed to any institution at the public charge unless his or her status shall have been first determined by such court in accordance with this Act.

Section 28. There shall be, and there hereby is, created and established in such counties a board of not more than fifteen persons, to be known as the Advisory Board, of the Juvenile and Do-

mestic Relations Courts of such counties. The Judge of such courts shall appoint to be members of said Board citizens of said counties, known for their interest in the conservation and protection of dependent, neglected and delinquent children, as described in this Act, and in the preservation of home and family life. Such appointees shall serve during the term of the judge of said courts. Before entering upon the duties of their office the members of said Board shall each take and subscribe the oath of office prescribed for other public officers. Said Advisory Board shall, at its first meeting, organize by electing such officers and adopting such laws and rules for their government, and for the selection of the probation officers, and of the superintendent, and other employees of the Detention Home or Parental School provided for herein, and for the fixing of the salaries of such officers, or other employees, as said Board shall deem best to accomplish the purpose of this Act. 1. To select and appoint the probation officers, and the superintendent and other officers and employees of the Detention Home, or Parental School, provided for herein, and to fix their salaries. 2. To provide an adequate and efficient probation force for such courts, and to exercise a general supervision over such officers, and to bring to the attention of the judge, of such courts, any inefficiency or dereliction of duty on the part of any such officer. 3. To provide an adequate and efficient personnel for the management and conduct of the Detention Home, or Parental School, herein provided for; and, as far as said Board may, to see that said home and school is otherwise adequately provided for to the end that it may fulfil the purposes intended by this Act. And by committee, or otherwise, supervise the conduct of such home. 4. To study the work of such courts, and other similar courts, and from time to time, as such boards shall see fit, to recommend to said court, and to the judge thereof, such measures as in the opinion of said Boards would further the intent and purpose of this Act. 5. To inform the public from time to time of the problems sought to be met by this Act, by reports of the work of such court, and through such other means as to said Boards shall seem wise.

Section 29. This Act being remedial in its nature and purpose shall be liberally construed in order to accomplish the beneficial purposes herein sought. Should any clause, paragraph, or section of this Act be declared unconstitutional by any court of competent jurisdiction, such decision shall not affect the remainder thereof.

Section 30. All laws and parts of laws in conflict, or inconsistent with the provisions of this Act are hereby repealed.

Section 31. This Act shall take effect upon its approval by the Governor.

Approved September 6, 1927.

No. 637)

(S. 363. Cowan

AN ACT

To amend Sections 325, 326, 329, 332, 337, 343, 344, 345, 347, 348, 349, 354, 358, and 359, Code of Alabama 1923, and to repeal Section 330, Code of Alabama 1923, relating to the practice of dentistry and dental hygiene, composing Chapter 18, Volume I, of said Code.

Be it Enacted by the Legislature of Alabama:

Section I. That Section 325, Code of Alabama, 1923, be and the same is hereby amended to read as follows: Section 325. DENTISTRY AND DENTISTS DEFINED. Any person shall be said to be practicing dentistry within the meaning of this chapter who uses the words "Dentist", "Dental Surgeon", the letters "D. D. S.", "D. M. D.", or other letters or title in connection with his or her name which in any way represents him or her as engaged in the practice of dentistry, or who shall advertise or permit to be advertised by sign, card, circular, or hand bill, newspaper, or otherwise, that he or she can or will attempt to perform dental operations of any kind; or shall diagnose, or treat, or profess to treat, any of the diseases or lesions of the oral cavity, teeth, gums, or maxillary bones, or shall extract teeth, or shall prepare to fill cavities in human teeth, or shall correct or attempt to correct malposition of the teeth or jaws, or shall supply artificial teeth, or shall administer anaesthetics, general or local, administer or prescribe such remedies, medicinal or otherwise, as shall be needed in the treatment of dental or oral diseases, or do any practice included in the curricula of recognized reputable dental colleges, or shall use an X-Ray for dental treatment or dental diagnostic purposes. Provided, however, that nothing in this chapter shall prevent a dental assistant from aiding or assisting his or her employer in making radiograms or X-Ray exposures, or from developing the same, but it shall be unlawful for him or her to make use of the X-Ray except as herein provided; and nothing in this chapter shall be held to interfere with the employment of a dental hygienist by a licensed dentist or public institution or school or hospital who has been issued a permit for the employment of a hygienist as provided by law; and nothing in this chapter shall interfere with the extraction of teeth without compensation or the performance of mechanical work on inanimate objects only by any person employed in or operating a dental laboratory. And nothing herein shall prevent students from performing dental operations under the supervision of competent instructors within a dental college or school, or the dental department of a university or college recognized by the Board of Dental Examiners of Alabama, or from working under a preceptor during college vacation only under such rules and regulations as the Board of Dental Examiners of Alabama may prescribe; nor shall it prevent a clinician from demonstrating certain methods or technique before a dental society.

Section 2. That Section 326, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 326. WHO MAY PRACTICE DENTISTRY. All persons registered or licensed as dentist on the date of the approval of this act shall be entitled to continue in the practice of said profession subject to the provisions of the dental code and this Act.

Section 3. That Section 329, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 329. CERTIFICATE TO PRACTICE DENTISTRY; WHEN GRANTED—Upon examination and investigation, if said Board of Dental Examiners of Alabama shall determine that the applicant possesses the necessary qualifications as to character and education as herein provided, they shall enroll his or her name, together with his or her serial or registration number, upon a register to be kept by said board for that purpose, and issue to him or her a certificate which said certificate, when recorded as herein provided for, shall entitle such person to practice dentistry in any county in the State of Alabama in which it is recorded.

Section 4. That Section 332, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 332. CERTIFICATE AND EVIDENCE OF AUTHORITY. Such license or certificate so recorded and certified shall be evidence of authority of the person therein named to practice dentistry, provided such license or certificate is annually registered with the Board of Dental Examiners of Alabama as provided by law.

Section 5. That Section 337, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 337. BOARD OF DENTAL EXAMINERS; ELECTION, TERM OF OFFICE. The Board of Dental Examiners shall consist of five persons who shall be members in good standing of the Alabama Dental Association, and not connected with or interested in any dental school or college or dental supply business, and must have practiced dentistry in this State for a period of not less than three years. The Alabama Dental Association shall elect annually one member of said board from its membership for a term of five years and said member so elected may at the expiration of the said term be eligible for re-election.

Section 6. That Section 343, Code of Alabama, 1923, be and the same is hereby amended to read as follows: Section 343. OFFICERS; ELECTION OF; BOND OF OFFICERS. Said Board of Dental Examiners of Alabama shall organize annually by the election of a president and secretary-treasurer, each of whom shall be members of said board, and shall hold their respective offices for a term of one year, and until their successors are elected and qualified. Provided, however, that the said Board of Dental Examiners of Alabama may, in its dis-

cretion, employ a secretary-treasurer who is not a member of the Board of Dental Examiners of Alabama, and it shall not be necessary that said secretary or secretary-treasurer be a dentist. The secretary-treasurer shall give bond in such sum as may be prescribed by the board, conditioned to discharge the duties of said office according to law, which bond shall be made payable to the said Board of Dental Examiners of Alabama, and approved by the President of the board.

Section 7. That Section 344, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 344. **TIME AND PLACE OF MEETING OF BOARD.** The Board of Dental Examiners of Alabama shall hold an annual meeting at such time and place as the board may designate for the examination of applicants for certificate and for the discharge of such other business as may legally come before them, and may, on the call of the president of said board, hold special and additional meetings. The president must call such additional and special meetings on the petition of the majority of the members of said board as may be necessary for the examination of applicants for certificates or for carrying into effect the provisions of this chapter; and at such special or call meeting said board may transact any and all business that may legally come before them.

Section 8. That Section 345, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 345. **SEAL OF BOARD; POWERS AND DUTIES OF BOARD.** The Board of Dental Examiners of Alabama shall have a common seal and shall have the power and authority to adopt such rules, by-laws, and regulations, not inconsistent with the laws of this State, as may be necessary for the regulation of its proceedings, and for the discharge of the duties imposed upon it; and may employ counsel to assist in the enforcement of the provisions of this chapter, and for such other purposes as may be deemed necessary by the said board. Said board shall keep a true and correct record of its proceedings and a register of the names and numbers of all certificates that have been issued and of all persons to whom issued; and the book and register of said board, or a copy of any part thereof, duly certified by the secretary-treasurer of said board under seal shall be received as evidence of the matters and things therein recorded and so certified, in all the courts of the State.

Section 9. That Section 347, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 347. **COMPENSATION OF BOARD; HOW PAID.** The secretary-treasurer of said Board of Dental Examiners of Alabama shall receive such salary as may be prescribed by the said board, and his necessary expenses while engaged in the performance of his official duties, and each of the other members of said board shall

receive the sum of Ten Dollars for each day actually employed in the discharge of their official duties, and necessary expenses while so engaged. All fees collected by said board, or by the secretary-treasurer thereof, shall be placed to the credit of a fund which is appropriated solely for the use of the said Board of Dental Examiners in the execution and enforcement of the provisions of this chapter, and the payments of the salaries, expenses, and other costs herein provided for; said moneys to be paid out upon warrants drawn by the secretary-treasurer and countersigned by the president of said board; but no part of said expense shall be paid out of the State treasury. The secretary-treasurer shall transact all ad interim business for the said board unless otherwise specified in this chapter.

Section 10. That Section 348, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 348. **CERTIFICATE OR LICENSE FEE; DUPLICATE CERTIFICATE; REGISTRATION.**—The said Board of Dental Examiners of Alabama shall charge each person applying to it for a certificate to practice dentistry or dental surgery in this State a fee for examination of Twenty Dollars. Should an applicant for certificate fail to pass a satisfactory examination, such person may take a re-examination at the next annual meeting of said board, at which time such person shall be exempt from the payment of the examination fee; but this exemption shall not be construed to apply except at the next regular annual meeting of the said board. Said Board of Dental Examiners shall also charge each person receiving from it a certificate or license to practice dentistry or dental surgery in this State a certificate or license fee of Five Dollars for every certificate or duplicate certificate or license or duplicate license issued by said board; and on or before the first day of October and not later than twelve o'clock noon November 30th following of each year each and every licensed dentist shall register his or her certificate with the said board, according to regulations formulated for same by said board, and shall receive from said board a certificate of such registration, which certificate of registration shall be his or her authority from said board to practice dentistry in this State and an annual registration fee of Two Dollars shall be paid to said board for such annual registration certificate; provided, however, that should a legally qualified dentist retire from practice or remove from this State such person shall not be liable for the annual registration fee of Two Dollars during the period of such retirement or residence outside the State; and when such person desires to resume practice in Alabama it will be necessary for him or her to pay only the annual registration fee of Two Dollars at the next annual period commencing October 1st after such person's resumption of practice within this State.

Section 11. That Section 349, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 349. **DEFAULT IN PAYMENT OF FEES; LICENSE REVOKED.** In case of default in the payment of such fees of Two Dollars for the period provided for in Section 348 said license certificate shall be automatically revoked; but the payment of such fee of Two dollars after the expiration of the time allowed, with the additional payment of the sum of Ten Dollars, shall restore said license certificate; provided, however, that no license certificate shall be in default for more than one payment period, and if said certificate is in default for more than one payment period the payment of the fee of Two Dollars, with the additional sum of Ten Dollars for each payment period in default shall be necessary to restore said license certificate.

Section 12. That Section 354, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 354. **CERTIFICATE TO FOREIGN DENTISTS.** The Board of Dental Examiners of Alabama may, in its discretion, issue a certificate to practice dentistry without examination, other than clinical, to a legal and ethical practitioner of dentistry who removes to Alabama from another State or territory of the United States whose standard of requirement is equal to that of Alabama, and in which he or she has conducted a legal and ethical practice of dentistry for at least three years immediately preceding his or her removal; provided such applicant shall present a certificate from the dental board or a like board of the State or territory from which he or she removes, certifying that he or she is a legal, competent, and ethical dentist, and of good moral character; and provided that such certificate is presented to the Board of Dental Examiners of Alabama within six months from date of its issue, and that the board of such other State or territory shall permit in like manner by law the recognition of certificates issued by the Board of Dental Examiners of Alabama when presented to such other board by legal practitioners of dentistry from this State who may wish to remove to a practice in such state or territory of the United States, of any state, dominion, or province in North America.

Section 13. That Section 358, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 358. **DENTAL HYGIENE; WHO MAY PRACTICE.** Any person shall be said to be practicing dental hygiene within the meaning of this Act who attempts to perform any of the operations catalogued as dental hygiene treatment, such as removing of deposits, accretions, and stains from the exposed surfaces of the teeth, and polishing the teeth. Dental hygienists must be persons of good moral character at least twenty years of age, and shall have had at least one year's employment as a dental

assistant by and in the office of a lawful practitioner of dentistry.

Section 14. That Section 359, Code of Alabama 1923, be and the same is hereby amended to read as follows: Section 359. PERMIT AS TO DENTAL HYGIENE ISSUED; REGISTRATION OF; FEES FOR. Any dentist who is legally qualified to practice in the State of Alabama may be issued a permit by the Board of Dental Examiners of Alabama to employ dental hygienists under such terms and conditions as may be proposed by the Board of Dental Examiners of Alabama. Any one who employs a hygienist must make application to the Board of Dental Examiners of Alabama for a permit to employ a specific person whose name, together with such other information as may be desired, shall be furnished to said board, the said board may require such person to submit to an oral or written examination, one or both, in order to determine the qualifications of such applicant to properly supervise the hygienic operations which are to be performed by his proposed employee, and such applicant must in the opinion of the board be capable of teaching the proposed hygienist dental hygiene, and the board may also require the proposed hygienist to submit to an examination. Permits issued by the board shall be for one year, or any part of a year that the board may determine, and such permit shall cover the specific employment to which it refers, and does not authorize the holder thereof to employ any other hygienist than the one named in the permit. Hygienists shall not perform any operations anywhere at any time any place except under the supervision of a legally qualified dentist or in a school or hospital that holds a permit from the Board of Dental Examiners to employ such hygienist, and said permit shall be displayed at all times in the office of the holder thereof at such place as to be easily accessible to the public or his patients. Each permit must be renewed with the Board of Dental Examiners each year, for which the board may charge a fee not to exceed Five Dollars. Said board may cancel any permit which they have issued for any cause and without notice at any time that in their judgment they deem advisable. The State Board of Health, Schools or hospitals may be issued permits to employ hygienists under such terms and conditions as may be proposed by the Board of Dental Examiners. Any dentist who permits hygiene to be done in his office without having been issued a permit as herein provided, or any person who is employed as a hygienist whose employer has not obtained a permit, shall be guilty of a misdemeanor, and upon conviction, for the first offense shall be fined not less than Fifty Dollars nor more than Five Hundred Dollars, and for the second offense not less than Two Hundred Fifty Dollars nor more than Five Hundred Dollars, and may also be imprisoned at

hard labor not less than three months nor more than twelve months. Nothing, however, in this Act shall be construed to prevent a dental student from performing dental hygienic operations under the supervision of a competent instructor in dental hygiene recognized by the Board of Dental Examiners of Alabama.

Section 15. That Section 330, Code of Alabama 1923, be and the same is hereby repealed.

Approved September 6, 1927.

No. 638)

AN ACT

(S. 357. Fite

To Amend Section 6779 of the Code of Alabama.

Be it Enacted by the Legislature of Alabama:

That Sectoin 6779 of the Code of Alabama be amended so as to read as follows: Section 6779: "Warrants issued under the provisions hereof shall bear interest at a rate not exceeding eight per cent per annum; shall not be for a greater sum than one half the income of said County for the preceding year and shall mature not later than February first of the year following and shall not be renewed."

Approved September 6, 1927.

No. 639.

AN ACT

(S. 410. Stokes

To provide a Code of laws defining the powers of municipal corporations in this state with respect to the construction and maintenance of public improvements and betterments and the assessment of the whole or any part of the cost thereof against the abutting property, or property specially benefited or increased in value by reason of such improvements; and amending sections 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 221, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 222, 2223, 2224, 2225, 2236, 2237, of the Code of Alabama of 1923; and repealing Sections 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235 of said Code; and to repeal all laws in conflict with the same."

Be it Enacted by the Legislature of Alabama:

Section 1. APPLICATION AND DEFINITION. The provisions of this Act shall apply to all municipalities of this state, and the word municipality, as used in this Act, means and includes any city, town or incorporated village now or hereafter created, except where clearly restricted.

Section 2. DESIGNATION. This act may be referred to and designated as "The Municipal Public Improvement Act."

Section 3. That Section 2174 of the Code be amended so as to read as follows: Section 2174. GENERAL POWERS FOR SUCH PURPOSES: All cities or towns in this state may design, or cause to be designed, contract for, and execute, or cause to be executed, the construction of the following named improvements or reimprovements to the streets, or any portions thereof, and the following named sewers or sewer systems, and the following named water and gas mains and service connection. All cities or towns in this state having a population of sixty thousand inhabitants or more, according to the last or any subsequent Federal census, may design or cause to be designed, contract for and execute, or cause to be executed, the construction of the following named drainage improvements or drainage systems and/or reclamation systems, and for filling in of swamps or inundated or overflowed or submerged land within the limits of such municipality. All cities or towns in this state may design or cause to be designed, contract for and execute, or cause to be executed, the construction of the following named ornamental lighting systems or white way systems of lighting, and also for the constructing, acquiring, improving, and extending of seawalls, dikes, levees, and embankments within the limits of the municipality for protection against streams, rivers, waters, floods, tides, seas, and waves, in such manner and with such material as the council of such city or town may prescribe. Each city or town in this state may cause the cost and expense of all or any part of any improvement or reimprovement which it is authorized to make under the provisions of this section, to be assessed against the property abutting on said street, avenue, alley, highway, or other public place so improved, or upon or along which such ornamental lightning system or white way is constructed, or served by said water and gas mains and service connection, or drained, served, or benefited by said sewer or sewers, or drained by such drainage system or reclaimed or elevated by such reclamation system or by filling in the same, or protected or improved by such seawalls, dikes, levees, or embankments, to the extent of the increased value of said property by reason of the special benefits derived from said improvements, viz: 1. The opening, widening, extending of streets, avenues, alleys, highways, and other public places, construction or reconstruction of improvements to streets, avenues, alleys, highways, or other public places by filling, grading, leveling, graveling, slagging, cherting, macadamizing, paving, sidewalking, curbing, guttering, draining, or otherwise improving any street, avenue, alley, highway, or other public place; provided that the cost and expense, or any part thereof, may be assessed against the property

abutting on the portion of such street so opened, widened, extended, or improved to the extent of the increased value thereof by reason of the special benefits derived therefrom. 3. The construction or reconstruction of sanitary sewers or sanitary sewer systems, including sewage treatment or sewage disposal plants; provided that the cost and expense, or any part thereof may be assessed against the property drained, served, or benefited by said sanitary sewers, or sanitary sewer system to the extent of the increased value thereof by reason of the special benefits derived therefrom. 4. The construction or reconstruction of storm water sewers, main trunk storm sewers and storm water sewer systems; provided that the cost and expense, or any part thereof, may be assessed in fair proportion against the district and against every piece of property therein drained, served, or benefited by said storm water sewers, main trunk storm water sewers, or storm water sewer system to the extent of the increased value thereof by reason of the special benefits derived from such improvements. 5. The construction or reconstruction of combined sanitary and storm water sewers or combined sanitary and storm water sewer systems, including sewage treatment or sewage disposal plants; provided, that the cost and expense, or any part thereof, may be assessed against the property, within said corporate limits, drained, served, or benefited by said sewers or sewer systems, including sewage treatment or disposal plants, to the extent of the increased value thereof by reason of the special benefits derived from such improvement. 6. The construction or reconstruction of storm water sewers or drains or lateral storm sewers in connection with the improvement or reimprovement of streets, for the purpose of properly draining said streets, and the property abutting thereon, provided that the cost and expense, or any part thereof, of said storm water sewers, or drains, or lateral storm sewers may be assessed against the property abutting on the portions of said streets so drained, served, or benefited to the extent of the increased value thereof by reason of the special benefits derived from such improvement. 7. The construction or reconstruction of outlets for such sewers or sewer systems, either sanitary, storm, water, or combined, including sewage treatment and sewage disposal plants, whether within or without the corporate limits; provided that the cost and expense, or any part thereof, may be assessed against the property, within said corporate limits, drained, served, or benefited by said sewers or sewer system outlets, including sewage disposal plants, to the extent of the increased value thereof by reason of the special benefits derived from such improvement. 8. The construction or reconstruction of water and gas mains in the streets, and of water and gas service connections from the publicly or privately owned water and

gas main located in any street, avenue, alley, highway, or other public place to the property line of property abutting on such street; provided the cost and expense, or any part thereof, of said water and gas mains and water and gas service connection, or connections, may be assessed against the property so served or connected to the extent of the increased value thereof by reason of the special benefits derived from such improvement. 9. In cities having a population of sixty thousand or more, according to the last or any subsequent Federal census the construction or reconstruction of a system or systems of drainage of swamps or inundated or overflowed land within the limits of such municipality, and the filling in, elevating or reclaiming of such lands, provided that the cost and expenses thereof, or any part of such cost and expense, may be assessed in fair proportion against the property drained, served, or benefited or increased in value, or filled in, elevated, or reclaimed by such improvement, to the extent of the increased value thereof by reason of the special benefits derived from such improvement. 10. The construction, acquirement, improvement, reimprovement, or extension of seawalls, dikes, levees, and/or embankments within the limits of such municipality for the purpose of protection against storms, rivers, waters, floods, waves, tides, or seas, provided that the cost and expense of such improvement, or any part thereof, may be assessed against the property within the corporate limits of such municipality protected or specially benefited by such improvement to the extent of the increased value of such property by reason of the special benefits derived from such improvement.

Section 4. That Section 2175 of the Code be amended so as to read as follows: **SECTION 2175: DEFINITION AND EXPLANATION OF WORDS, PHRASES AND TERMS USED IN THIS ARTICLE:** The council, as herein used, shall mean the council, mayor, and aldermen, or other governing body, also a board of public works, where such a city has such a board. Wherever the city has, in addition to its council or other governing body, a board of public works charged with the care, maintenance and improvements of streets, storm sewers, and drains, then and in that event, the power herein declared shall be divided between said board of public works and said council or other governing body, in harmony with the general system of government of said city in reference to the division of authority and duty between the board of public works on the one hand and the council on the other.

Section 5. That Section 2176 of the Code be amended so as to read as follows: **SECTION 2176: ORDINANCE OR RESOLUTION DESCRIBING IMPROVEMENT DESIRED, ORDERING THE DRAWING OF PLANS, SPECIFICATIONS, ETC.:** When the council of any city or town shall determine to open, widen, ex-

tend, construct, or improve any street, alley, avenue, sidewalk, highway, or other public place, or to make any other public improvements or undertake any work authorized by the provisions of this Act, the cost of which, or any part thereof, it is proposed to assess against the property abutting, on, served, illuminated, drained, elevated, reclaimed, protected, or otherwise specially benefited or increased in value by said improvements, it shall adopt an ordinance or resolution to that effect, describing the nature and extent of the work, the general character of the materials to be used and the location and terminal point thereof, and the streets, avenues, alleys or other highways, or parts thereof embraced therein, and shall direct that full details, drawings, plans, specifications, and surveys of said work and estimates be prepared by the city engineer, or such other person as may be designated in such ordinance or resolutions, or the said council may adopt plans for such work already prepared. When the contemplated improvement is a sanitary sewer or sewers or a sanitary sewer system, including outlets and sewage treatment and sewage disposal plants, such ordinance or resolution shall describe the territory or area within said municipality to be drained, served, or benefited by such sewer or sewers or sewer system and define the same by naming the streets, avenues, alleys, or other lines by which the same is bounded, or shall describe the frontage of the property abutting on and drained, served or benefited by such sewer or sewers or sewer system and define the same. When the contemplated improvement is a storm water sewer or sewers, or main trunk storm water sewers, or a storm water sewer system, such ordinance or resolution shall describe the territory or area to be drained, served, or benefited by such storm water sewers or main trunk storm water sewers or storm water sewer systems and define the same by naming the streets, avenues, alleys or other lines by which the same is bounded; provided that when the improvement contemplated is a storm water sewer or sewers or drains and lateral storm water sewers, in connection with the improvement of streets for the purpose of properly draining, serving or benefiting said streets and the property abutting thereon, such ordinance or resolution may define the area to be drained, served, or benefited by each of such sewers as the property fronting on each portion of the street or streets provided to be improved, actually drained, served, or benefited by each of said storm water sewers, or drains, or lateral storm water sewers. When the contemplated improvement is the construction of water or gas mains and/or of water and gas service connections said ordinance or resolution shall name the property abutting on the portion of the streets, avenues or alleys in which said water or gas mains and/or water or gas service connections are to be constructed and which is to be served

or benefited by said improvement. When the contemplated improvement is the construction of a system for draining swamps or for the draining of swamps or inundated or overflowed or submerged land within the limits of any municipality in this state having a population of sixty thousand inhabitants or more, according to the last or any subsequent Federal census, or for the filling in, elevating, or reclaiming of any submerged, inundated, or overflowed land within the limits of such municipality, such ordinance or resolution shall describe the territory or area to be drained, served, benefited, elevated, or reclaimed by such improvement. When the contemplated improvement is the construction, acquirement, improvement, reimprovement, or extension of seawalls, dikes, levees, and/or embankments for the purpose of protection against storms, rivers, waters, floods, waves, tides, or seas, such ordinance or resolution shall define the nature and extent of the work, the general character of the materials to be used, the location of terminal points of such seawall. When the contemplated improvement is the construction of an ornamental system of lighting or white way system, said ordinance shall describe the nature and extent of the work, the general character of the materials to be used, the streets, avenues, alleys, and other highways and public places to be so lighted and abutting upon the streets so to be lighted with such ornamental lighting system. Such ordinance or resolution may set out and describe certain alternative types of paving and other materials and the council may require advertisements for proposals on the various types enumerated and the final selection by the council of the type or types of said pavement and other materials from among the alternatives, so enumerated, shall, in that event, be postponed until the bids shall have been received.

Section 6. That Section 2177 of the Code be amended so as to read as follows: Section 2177: DRAWINGS, PLANS, SPECIFICATIONS, ETC. FILED TO AWAIT OBJECTION OR REMONSTRANCES THERETO: Such details, drawings, plans, specifications, surveys, and estimates shall, when completed, be placed on file not later than two weeks prior to the date of the meeting hereinafter provided for in the office of city engineer or other officer designated in such ordinance or resolution, where property owners who may be affected by such improvement may see and examine the same, and the said ordinance or resolution shall appoint a time when the council will meet, which shall be not less than two weeks after the date of the first publication of said ordinance or resolution, to hear any objections or remonstrances that may be made to said improvement, the manner of making the same, or the character of the material or materials to be used.

Section 7. That Section 2178 of the Code be amended so as to read as follows: Section 2178. PUBLICATION OF ORDINANCE OR RESOLUTION: said ordinance or resolution must be published once a week for two consecutive weeks in some newspaper published in said city or town, and if no newspaper is published therein, it may be published either in a newspaper of general circulation in said municipality, or by posting for two weeks in three public places, in such city or town. A copy of said ordinance or resolution shall also be sent, by registered mail, postage prepaid, to the persons last assessing for city or town taxation, the property which may be assessed for said improvements, at their last known addresses, said notices to be so mailed not less than ten days before the meeting of the city council or other governing body provided for in the next succeeding section. The failure of any official charged with the duty of sending such notice, or the failure of any owner of property to receive such notice, if sent by Registered mail as hereinabove provided, shall not invalidate or in any wise affect any assessment made under the provisions of this Code.

Section 8. That Section 2179 of the Code be amended so as to read as follows: Section 2179: HEARING OF OBJECTION OR PROTEST: RESULT AND EFFECT OF: At said meeting, or at a place and time to which the same may be adjourned, all persons whose property may be affected by the proposed improvement may appear in person or by attorney, or by petition, and object or protest against said improvement, the material to be used, or the alternative types of material or any of them from which selection is later to be made, if any, and the manner of making the same, and said council shall consider such objection and protest, and may confirm, amend, modify, or rescind the original ordinance or resolution. But if objection to the proposed improvement be made by a majority in frontage of the property owners to be affected thereby, when the proposed improvement is to be assessed against the property fronting or abutting any street, avenue, or alley, or by a majority in area of the property owners when the proposed improvement is to be assessed against the property comprising a sewerage, drainage, or other improvement, district, the improvement shall not take place, unless ordered by a two thirds vote of those elected to the council.

Section 9. That Section 2180 of the Code be amended so as to read as follows: Section 2180: COST OF PROPOSED IMPROVEMENTS; HOW PAID: The council may pay out of the general funds of the city or town, or any special fund that may be provided for the purpose, such portion of the cost of the proposed improvement as they see proper. The cost of any improvement contemplated by this article shall include the expense

of the preliminary and other surveys, and the inspection and superintendence of such work, printing and publishing the notices, resolutions, and ordinances required, including notice of assessment, the cost of constructions, preparing bonds, interest on money borrowed during construction or on bonds when the bonds have been issued in anticipation of the collection of the assessment, and any other expenses necessary for the completion of such improvement.

Section 10. That Section 2181 of the Code be amended so as to read as follows: Section 2181: **GRADE OF STREET: SIDEWALK, ETC. FIXED AND ESTABLISHED:** Before the passage of the final resolution or ordinance to make any improvement on any street, avenue, alley, or sidewalk, the cost of which, or any part thereof, is to be assessed to the abutting property, if the grade of such street, avenue, alley, or sidewalk has not been established, or if said improvement necessitates a change of grade, the council shall, by ordinance, fix and establish the grade of such street, avenue, alley, or sidewalk about to be improved, and also the grade of the curb on each side thereof.

Section 11. That Section 2182 of the Code be amended so as to read as follows: Section 2182: **NOTICE, ADVERTISEMENT AND LETTING OF CONTRACT FOR PUBLIC WORK:** If the council shall finally order the making of the proposed improvement, or improvements, notice shall be given asking for bids for such work, which notice shall describe in a general way the character and approximate quantities of such work and the types of materials, including alternates, if any, to be employed, and shall be published once a week for two consecutive weeks in a newspaper published in said city or town, or, if there be no newspaper published in said city or town, in a newspaper of general circulation therein; the date for receiving bids as set out in said notice shall be not earlier than two weeks after the date of first publication of said notice. The said municipal authorities must let the contract to the lowest responsible bidder; provided that if the lowest responsible bidder has not bid a satisfactory price, the council or other governing body may reject all bids and re-advertise for bids in the same manner as hereinabove provided. The city or town may, in the first instance, construct such improvement or furnish labor or material, or both, for the same without asking for bids. The said municipal authorities may, by order, impose further conditions upon bidders with regard to bonds and surety for the faithful completion of such work, according to contract, or for any other purpose mentioned in the specifications. Surety bond for the faithful completion of said work shall be required, where same or any part thereof is let out by contract, in an amount not less than fifty per cent of the estimated total of each contract.

Section 12. That Section 2183 of the Code be amended so as to read as follows: **Section 2183: CITY ENGINEER SUPERVISES WORK:** All work done or improvements made under the provisions of this article shall be done under the supervision of the city engineer or other superintendent appointed for that purpose by the council of such city or town; provided, that the city engineer or other superintendent so appointed shall not be related by blood or by marriage to any contractor to whom work is awarded under the terms of the preceding section, or, if said contractor is a corporation, to any stockholder thereof; said city engineer or other superintendent so appointed shall not be interested in or have any share in the proceeds of any construction contract, or any contract for the sale of materials to be employed in said work, nor a stockholder in the company selling said materials; nor shall said engineer or other superintendent so appointed be employed, directly or indirectly, by any parties having an interest in the proceeds of any such construction or sale contract.

Section 13. That Section 2184 of the Code be amended so as to read as follows: **Section 2184: ACCEPTING OR REJECTING WORK UNDER CONTRACT:** In case of any controversy or dispute, the council shall be invested with sole and exclusive power to determine whether any improvement constructed under the provision of this article has been completed in accordance with the terms of the contract therefor, and to accept or reject such work on the part of the municipality.

Section 14. That Section 2185 of the Code be amended so as to read as follows: **Section 2185: POWER TO LEVY BETTERMENT TAXES AND ASSESSMENTS ON ABUTTING OR BENEFITED PROPERTY FOR COSTS OF IMPROVEMENTS:** If any such improvement be finally ordered and constructed, the council shall have power and authority, after the completion and acceptance thereof, to assess the cost of constructing said improvements, or any part thereof, upon or against the property abutting on any street, avenue, alley, highway or other public place so opened, widened, improved, lighted, served, or drained, or against the property drained, protected or benefited by such improvement, to the extent of the increased value of such property by reason of the special benefits derived from such improvements. If the construction or reconstruction of a system or systems of drainage of swamps or inundated or overflowed lands within the limits of any municipality having a population of sixty thousand or more inhabitants, according to the last or any subsequent Federal census, be finally ordered and constructed, the governing body of said city shall have power and authority, after the completion and acceptance thereof, to assess the cost thereof or any part of the cost thereof upon and against the prop-

erty elevated, filled, reclaimed, drained or benefited by such improvement, to the extent of the increased value of such property by reason of the special benefits derived from such improvements.

That Section 2186 of the Code be amended so as to read as follows, Section 2186: **MODE OF LEVYING AND COLLECTING SUCH TAXES OR ASSESSMENTS FOR SEWERS, DRAINAGE, ETC:** When said improvements consist of a sanitary or storm water sewer or sewers, or a sanitary or storm water sewer system, including sewage treatment or sewage disposal plants the cost of any part thereof may be assessed in fair proportion against the frontage of the property drained by said sewer system, or against all the lots or parcels of land lying within the district drained, served, or benefited, but the assessment shall not exceed the increased value of such property by reason of the special benefits derived from the improvement. When the improvement consists of the draining of swamps or the elevating, filling, reclamation, or draining of submerged, inundated, or overflowed land, then the council shall have the power and authority, after the completion and acceptance of such improvement, to assess the cost thereof, or any part thereof, upon or against the property so drained, elevated, or reclaimed, and specially benefited thereby to the extent of the increased value of such property by reason of the special benefits derived by such property from such improvement. When such improvement consists of the construction of seawalls, dikes, levees, embankments, or other protection against seas, waves, storms, floods, waters, or rivers, then the council shall have power and authority, after the completion and acceptance thereof, to assess the cost of constructing said improvement, or any part thereof, upon or against the property abutting on such improvement, and all other property protected or specially benefitted thereby, to the extent of the increased value of such property by reason of the special benefits derived by such property from such improvement.

Section 16. That Section 2187 of the Code be amended so as to read as follows: Section 2187: **MODE FOR INTERSECTION OF STREETS, ETC.:** Where the intersections of streets, avenues, alleys, or other highways are improved, the cost of improving any intersection, or any part thereof, may be assessed against the lots or parcels of land abutting on each of the streets, avenues, alleys, or other highways so intersecting for a half block in each direction therefrom; provided, that for the purpose of computing assessments under this section, no block shall be considered as extending more than one thousand feet from any intersection so improved.

Section 17. That Section 2188 of the Code be amended so as to read as follows: Section 2188: **FOR SIDEWALKS, CURB-**

ING, ETC.: In case of side walk improvements, including curbing and guttering, the costs or any part thereof of the improvement of the street or avenue corner may be assessed against the lots abutting on or nearest said improvement, and the entire cost, or any part thereof, of the sidewalks improvement, and the entire cost, or any part thereof, of the sidewalks improvement, including curbing and guttering at the intersection of any alley with a street or avenue, or other highway, may be assessed in fair proportion against the respective lots or parcels of land abutting or cornering on the alley at such intersection; but in no case shall the assessment against any lots or parcels of land be greater than the increased value of such lots or parcels of land by reason of the special benefits derived from such improvement.

Section 18. That Section 2189 of the Code be amended so as to read as follows: **Section 2189: ASSESSMENT AS AGAINST STREET CAR OR RAILROAD TRACKS:** If there be a street, electric, or other railroad track or tracks on any street or highway improved or reimproved under this article, the cost of such improvement, except storm water and sanitary sewers, between the tracks and the rails of the tracks, and in case there are two or more tracks, the space between such tracks, and eighteen inches on each side of the tracks, including switches and turn-outs, shall be paid by the owner of the railroad, and shall be assessed against and form a lien on said railroad, and the property connected therewith, and in the event that storm water sewers are constructed which drain, serve, or benefit the streets or avenues or rights of way on which is a street, electric, or other railroad, whether the same be a continued or separate system, there shall be assessed against such railroad a fair and just proportion of the cost of construction of such sewer, to be determined by the council, and such assessment shall be a lien like other assessments and may be collected in like manner, and the council may require the owners of such street railroad or other railroad to prepare or construct its tracks for the receipt of such paving or other improvements in a manner satisfactory to the council. In the event that seawalls or other protection against waves, storms, and floods are constructed which protect or benefit streets or avenues or rights of ways on which a street electric or other railroad, whether the same be continued or separate system, there shall be assessed against such railroad a fair and just proportion of the cost of construction of such seawall or other protection against waves, storms, and floods, to be determined by the council, and such assessment shall be a lien like other assessments, and may be collected in like manner; provided, however, that such assessments shall not exceed the increased value of such railroad by reason of the benefits received by such railroad from the construction of such seawall.

Section 19. That Section 2190 of the Code be amended so as to read as follows: **Section 2190. ROLL OR LIST OF OWNERS: LOTS OR PARCELS OF PROPERTY ASSESSED AGAINST:** When any improvement made under the provisions of this article is completed, the mayor or other chief executive officer shall cause to be prepared a roll or list showing the names of the property owners, and opposite each name a description of each lot or parcel of land proposed to be assessed for such improvement, belonging to such owner or owners, and the amount proposed to be assessed against each lot or parcel of land.

Section 20. That Section 2191 of the Code be amended so as to read as follows: **Section 2191: ASSESSMENT BOOK FOR LOCAL IMPROVEMENT PREPARED AND KEPT:** Such list shall be entered in a well bound book or loose leaf book firmly bound, prepared for that purpose, and shall contain appropriate columns in which payments may be credited, and the lien of the assessment satisfied by the proper officers of the municipality; said book shall be known as the "Assessment book for local improvements," and shall be a public record, and no error or mistake in regard to the name of the owner shall be held to invalidate any assessment, and it shall be sufficient if the name of the person in whose name such property was last assessed for taxes for state taxation is shown in said book.

Section 21. That Section 2192 of the Code be amended so as to read as follows: **Section 2192: NOTICE OF PUBLICATION AS TO ASSESSMENT BOOKS:** After the completion of the proper entries of each improvement, said book shall be delivered to the city or town clerk, who shall thereupon give notice by publication one time in some newspaper published in said municipality, or of general circulation therein, that said assessment roll or list has been delivered to him, and is open for inspection in the office of the person authorized to make collection of said assessments.

Section 22. That Section 2193 of the Code be amended so as to read as follows: **Section 2193: HEARING OF OBJECTIONS TO ASSESSMENTS:** At a time and place therein mentioned, not less than twenty days from the date of publication, the council shall meet to hear and determine any objections or defense that may be filed to such assessment or the amount thereof.

Section 23. That Section 2194 of the Code be amended so as to read as follows: **Section 2194: CONTENTS AND SUFFICIENCY OF NOTICE OR PUBLICATION AS TO ASSESSMENTS:** Said notice shall also state the general character of the improvements, the terminal points thereof, and the streets, avenues, alleys, or other highways or portions thereof along which the improvement has been constructed, and if the improvement made consists of a sanitary or storm water sewer or sanitary or

storm water sewer system, said notice shall also describe the frontage of the property drained by said sewers or the territory or area drained, served, or benefited by said sewer or sewers, by naming the streets, avenues, alleys, or other highways, or other lines by which said district is bounded. If the improvement made consists of the draining, elevating, filling, or reclaiming of swamps or overflowed, inundated, or submerged land, within the limits of any municipality having a population of sixty thousand or more inhabitants, according to the last or any subsequent Federal census, said notice shall also describe the territory or area drained; filled, elevated, or reclaimed, and the territory benefited and increased in value by reason of such improvement. If the improvement made consists of the construction of a seawall or other protection against waves, seas, storms, and floods, said notice shall also describe the territory or area protected, benefited, or increased in value by reason of the construction of such seawall or other protection against seas, waves, storms and floods.

Section 24. That Section 2195 of the Code be amended so as to read as follows: Section 2195: DEFECTS OR ERRORS IN NOTICES: EFFECT OF: If there be any defect in said notice or proceedings, before or subsequent to said notice, with respect to one or more interested persons, the same shall not affect such notice or proceedings except insofar as it may touch the interest or property of such person or persons, and shall not avail any other person concerned therein. In case of such defect, supplementary proceedings of the same general character as those hereinbefore prescribed may be had in order to supply such defect.

Section 25. That Section 2196 of the Code be amended so as to read as follows: Section 2196: WRITTEN OBJECTIONS OR DEFENSES TO ASSESSMENTS: FILING OF: The owner or owners of any real estate or any interest therein, which it is proposed to assess for the cost, or any part thereof, of said improvement, may appear at any time on or before the date named in said notice, or at said meeting, and file in writing with the clerk or in his office any objections or defense to the proposed assessment against said property, or to the amount thereof, and persons who do not file objections or protests in writing against such assessment shall be held to have consented to the same.

Section 26. That Section 2197 of the Code be amended so as to read as follows: Section 2197. HEARING OF OBJECTIONS, PROTESTS, ETC., AGAINST ASSESSMENT: The council shall hear and pass upon all such objections and protests the proposed assessment, under such reasonable rules and regulations as they may adopt.

Section 27. That Section 2198 of the Code be amended so as to read as follows: Section 2198. WITNESSES; SUBPOENA

FOR EXAMINATION OF ON HEARING: The council, by the mayor or clerks, or other executive officer, may issue subpoenas for witnesses to appear before the council or any committee thereof, and may administer oaths to any witness to be examined.

Section 28. That Section 2199 of the Code be amended so as to read as follows: **Section 2199: FIXING AMOUNT OF ASSESSMENT CONSTITUTES LIENS: SUPERIORITY OF SUCH LIENS:** At such meeting or any adjourned meeting the council shall proceed by order or resolution to fix the amount of the assessment against each lot or tract of land described and included in said assessment roll, and all such assessments, from the date of such order or resolution, shall be and constitute a lien on the respective lots or parcels of land upon which they are levied superior to all other liens, except those of the state and county for taxes. The governing body shall have no power to reduce or abate an assessment made for public improvements after such assessments shall have been made final, unless an appeal shall have been taken from such assessments within the time prescribed by law, but this provision shall not affect the power of such governing body to split an assessment between two or more parties as now provided by law.

Section 29. That Section 2200 of the Code be amended so as to read as follows: **Section 2200 LIENS, TRANSFER AND ASSIGNMENT OF:** The council of such city or town may transfer and assign such liens to the contractor or contractors, who made said improvement or improvements, or to any other person.

Section 30. That Section 2201 of the Code be amended so as to read as follows: **Section 2201 CIRCUIT COURT MAY ENFORCE LIENS:** In addition to the method hereinafter provided for the collection of such assessments, the circuit court may enforce said liens and in all suits which may be brought to enforce said liens, either by the council or by its assigns, the complainant shall recover the amount of such assessment, with interest thereon, together with the cost of such proceedings.

Section 31. That Section 2202 of the Code be amended so as to read as follows: **Section 2202: TAX LIENS; RELATION OF AND EFFECT OF AS TO ASSESSMENTS:** The enforcement by the State, county, city or town of its lien for taxes on any lot upon which has been levied as assessment for any improvement authorized by this article, shall not operate to discharge, or in any manner affect the lien of the municipality for said assessment, but any purchaser at any tax sale by the State, county, city or town of any lots or parcels of land upon which an assessment has been levied, shall take same subject to such assessment.

Section 32. That Section 2203 of the Code be amended so as to read as follows: **Section 2203: SEVERAL ASSESSMENT LIENS ON SAME PROPERTY; EFFECT OF:** Nor shall the en-

forcement by the municipality of its lien for an assessment levied for one improvement by the sale of the property operate to discharge or in any way affect the lien of any other assessment for a different improvement on the same property, but the purchaser at such sale shall take the property subject to the lien of all other assessments, and the right of the municipality to enforce the same.

Section 33. That Section 2204 of the Code be amended so as to read as follows: Section 2204: APPEAL FROM ASSESSMENTS PROVIDED FOR. Any person aggrieved by the decision of the council in making any assessment may, within twenty days thereafter, appeal to the circuit court, or any other court of like jurisdiction, upon executing a bond in double the amount of the probable cost of the appeal.

Section 34. That Section 2205 of the Code be amended so as to read as follows: Section 2205: APPEAL BONDS; CONDITION AND EFFECT OF. The amount of such bond shall be fixed and the sureties thereon shall be approved by the mayor, and the said bond shall be conditioned to prosecute said appeal to effect and pay the city or town any judgment that the circuit court or other court may render, and all damages that any person may suffer by such appeal.

Section 35. That Section 2206 of the Code be amended so as to read as follows: Section 2206: APPEAL; PREFERRED CASE. Said appeal shall be docketed in said court, and shall be a preferred case therein.

Section 36. That Section 2207 of the Code be amended so as to read as follows: Section 2207: TRANSCRIPT FOR APPEAL; CONTENTS OF. Upon the filing with and the approval of the appeal bond by the mayor, the clerk, upon notice thereof, shall immediately send to the clerk of the circuit court, or other court to which the appeal may be taken, a transcript of all the proceedings of the council relating to such assessment, so far as the same concerns the property of the appellant. Such transcript shall contain a description of the property of such party or parties, the same to be described as accurately as possible according to the map of the city or town in common use, if there be such map; the name of the owner or owners of such property and the amount of the assessment.

Section 37. That Section 2208 of the Code be amended so as to read as follows: Section 2208: TRANSCRIPT PRIMA FACIE EVIDENCE. Upon hearing such appeal, the introduction of such transcript and papers shall be prima facie evidence of the correctness of such assessment, and that said property and persons are justly indebted to the city or town for the amount of said assessment.

Section 38. That Section 2209 of the Code be amended so as to read as follows: **Section 2209: CAUSE MAY BE TRIED ON THE RECORD: JUDGMENTS RENDERED.** The said cause may be tried on the record without other pleadings and the court shall hear all objections of the property owners to said assessment and the amount thereof; and shall determine whether or not such assessment exceeds the increased value of such property by reason of the special benefits derived from the improvement, and shall render judgment accordingly. Such cause shall be tried by the judge without a jury, unless a jury trial is demanded at time of filing appeal, in which event the cause shall be tried by a jury as provided in common law cases. In event the court or jury shall not sustain the assessment for the full amount, the Costs of Appeal and trial in Circuit Court shall be adjudged against the municipality.

Section 39. That Section 2210 of the Code be amended so as to read as follows: **Section 2210: JUDGMENT RENDERED ON APPEAL FOR AMOUNT OF PROPERTY CHARGEABLE.** If on the hearing of such appeal, it shall appear that by reason of any technical irregularity or defect in the proceedings, the assessment has not been properly made against the lot or parcel of land sought to be charged, the court may, nevertheless, on application of the city or town, upon satisfactory proof that expense has been incurred which is a proper charge against the lot or land in question, render judgment for the amount properly chargeable against said lot or land; but in such case the court shall make such order for the payment of the costs as it may deem proper.

Section 40. That Section 2211 of the Code be amended so as to read as follows: **Section 2211: APPEAL TO SUPREME COURT BY PROPERTY OWNER PROVIDED FOR; APPEAL BOND IN SUCH CASES.** An appeal may be taken to the supreme court of Alabama by any person interested in said property from the decree rendered by the said court within thirty days from the date of such judgment, upon giving bond for costs of appeal, or if supersedeas be desired, upon giving further bond in such sum as the judge of said court may prescribe, payable to the city or town with sufficient sureties, to be approved by the clerk of said court, conditioned to pay such judgment or perform such judgment as the supreme court may render in the premises, and all such costs and damages as the city or town may have sustained if the judgment is affirmed.

Section 41. That Section 2212 of the Code be amended so as to read as follows: **Section 2212: APPEAL TO SUPREME COURT HEARD ON RECORD.** Such appeal shall be heard upon the record and bill of exceptions reserved by the party

taking such appeal, setting out such of the evidence as may be necessary to a fair presentation of the case.

Section 42. That Section 2213 of the Code be amended so as to read as follows: Section 2213: JUDGMENT ON AFFIRMANCE. In the event a supersedeas bond has been given and the said case is affirmed by the supreme court, it shall add to the judgment rendered by the lower court interest thereon and ten per cent damages for delay.

Section 43. That Section 2214 of the Code be amended so as to read as follows: Section 2214: APPEAL BY MUNICIPALITY TO SUPREME COURT. The city or town may also appeal from any decree of the said circuit court, or other court, without giving bond; and all appeals taken pursuant to this article shall be preferred cases in the supreme court.

Section 44. That Section 2215 of the Code be amended so as to read as follows: Section 2215: EXECUTION OF JUDGMENT AND SALE. In the event the final judgment is rendered in favor of the city or town, execution may be issued thereon against the principal and sureties on the appeal bond, unless the amount of the judgment and degree is paid within five days from the date of such judgment, and the court shall, by further order, decree that the property assessed be sold to satisfy such judgment. Nothing contained in this article shall operate to release or discharge the lien on such property, unless the assessment is fully paid.

Section 45. That Section 2216 of the Code be amended so as to read as follows: Section 2216. PAYMENT OF ASSESSMENTS: HOW AND WHEN MADE. The council, in ordering any local improvement the cost of which, or any part thereof, is to be assessed against any property in accordance with the provisions of this Act, may provide that the same shall be paid in cash within thirty days after the final assessment, provided the cost of such improvement does not exceed one thousand dollars, but if the total cost of said improvement is greater than such sum, any property owner may, at his election, to be expressed by notifying the city official charged with the duty of collecting such assessments in writing within thirty days after the assessment is made final, pay the said assessment in ten equal installments, which shall bear interest at not exceeding eight per cent per annum, payable annually. Provided, however, that if the assessment against any lot or parcel of land does not exceed twenty-five dollars, said assessment must be paid in cash within thirty days after assessment is made final as above provided. Any person may pay the whole assessment against any lot or parcel of land within thirty days from the time the assessment is made; and may at any installment period pay the assessment in full by paying the full amount of the installments, together with all ac-

crued interest thereon, and upon the payment of an additional sum equal to six months' interest at eight per cent per annum on the amount of said assessment so paid before maturity as a penalty; should the property owner desire to pay off the deferred installments between the dates on which they are due, he shall pay interest on the same until the succeeding installment period, together with the penalty above described. The first installment shall be payable within thirty days after the assessment is made final, and all assessments or installments thereof shall be payable at the office of the clerk, tax collector, or treasurer of the city or town, as the council may prescribe, and all assessments or installments thereof shall bear interest at not exceeding eight per cent per annum after the expiration of thirty days from the date on which the same is made final, which interest shall be due and payable at the time and place the assessment or installment is due and payable. In all cases where the property owner does not elect to pay installments, or having elected to pay in installments, fails to pay the first installment in thirty days from the date of assessment, he shall be held to have waived the right to pay in installments, and the entire assessment shall at the expiration of said thirty days become due and payable.

Section 46. That Section 2217 of the Code be amended so as to read as follows: Section 2217: FAILURE TO PAY AS INSTALLMENT MATURES: SUBSEQUENT ONES. If the property owner who has not elected to pay installments fails to pay his assessments within thirty days, or having elected to pay in installments, fails to pay the first installment in thirty days from the date of the assessment, or makes default in the payment of any annual installment or the interest thereon, the whole of such assessment shall immediately become due and payable, and the officer designated by the council to collect such assessments shall proceed to sell the property against which the assessment is made to the highest bidder for cash; but he shall first give notice by publication once a week for three consecutive weeks in some newspaper published in the city or town or of general circulation therein; of the date and time of such sale, and the purpose for which the same is made, together with a description of the property to be sold. If said officer shall fail to advertise and sell any property on which said payments or installments are past due, any tax payer of the issuing municipality or any holder of bonds of the series affected by said failure, whether of bonds heretofore issued or to be hereafter issued, shall have the right to apply for a writ of mandamus requiring said official to take such action to any court of competent jurisdiction and said court shall, on proof, issue and enforce such writ.

Section 47. That Section 2218 of the Code be amended so as to read as follows: Section 2218: PAYMENT OF ASSESS-

MENT MADE AT ANY TIME BEFORE SALE. Any property owner, notwithstanding his default, may pay the assessment, with interest and all costs, if tendered before a sale of the property.

Section 48. That Section 2219 of the Code be amended so as to read as follows: Section 2219: **COST OF SALE CHARGED AGAINST LAND.** The cost of such advertisement and sale shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale.

Section 49. That Section 2220 of the Code be amended so as to read as follows: Section 2220. **DEED TO PURCHASER AT SALE.** The officer making such sale shall execute a deed to the purchaser, which shall convey all the right, title, and interest which the party against whose property the assessment was made, had or held in said property at the date of making such assessment, or on the date of making such sale. Any surplus arising from said sale shall be paid into the city treasurer, to be kept as a separate fund by the treasurer for the owner upon the responsibility of his official bond. The council may by its agents, purchase real estate sold as provided under this article, and in the event of such purchase, the deed for the same shall be made to the town or city.

Section 50. That Section 2221 of the Code be amended so as to read as follows: Section 2221: **REDEMPTION OF PROPERTY AFTER SALE; COSTS AND CHARGES OF.** Such property may be redeemed by the owner, or his assigns, or other person authorized to redeem property sold for taxes by the State of Alabama within two years from the date of the sale, by paying to the purchaser or the City treasurer for him the amount for which the property was sold, with interest thereon at the rate of fifteen per cent per annum from date of sale, together with a fee of two dollars for the expense of a conveyance.

Section 51. That Section 2222 of the Code be amended so as to read as follows: Section 2222: **MISTAKES OR ERRORS IN SALE; EFFECT OF.** No mistake in said publication in the description of the property, or in the name of the owner, shall vitiate the assessment or the lien, and if, for any reason, the sale made by the City or town be ineffectual to pass title, it shall operate as an assignment of the lien, and upon the request of the purchaser, supplementary proceedings of the same general character as herein required may be had to correct the errors in said proceedings for his benefit, or the lien so assigned to him may be enforced in equity.

Section 52. That Section 2223 of the Code be amended so as to read as follows: Section 2223. **POWER TO BORROW MONEY FOR PUBLIC IMPROVEMENTS.** For the purpose of providing funds to pay the cost of any improvement made under the

provisions of this article, the Council or other governing body of any city, town or other municipality may: 1. Borrow money temporarily on the faith and credit of the municipality, executing its negotiable note therefor, which negotiable note may not run longer than a period of one year, or 2. Issue bonds within the limitations prescribed by the Constitution. Such temporary loan or issue of bonds may be made before the contract is let for the improvements, or during the progress of the work, in installments as the work progresses, and the making of one loan or the issue of one series of bonds, shall not exhaust the power of the municipality to provide sufficient funds for the completion of the improvement. The Council may pledge as security for such loan, whether evidenced by negotiable notes or bonds, the proceeds of the assessments made or to be made against the property benefited by the improvements and may transfer and assign for the benefit of said negotiable note or bond holder the lien of the municipality thereon, with power to enforce the same, either at law or in equity; but if negotiable notes or bonds shall be issued before the completion of the work, they shall not be issued in excess of the cost of the improvements as estimated at the time of the issue of the negotiable notes or bonds. If money is borrowed and negotiable notes or bonds issued after the work is completed, such negotiable notes or bonds shall not exceed in the aggregate the total cost of the improvements. No irregularity or technical defect in the proceedings relating to the making of the improvement shall in any way affect the power of the city, town or municipality to borrow money, either by the issue of negotiable notes or bonds for the completion of the improvement.

Section 53. That Section 2224 of the Code be amended so as to read as follows: Section 2224: **ISSUE OF BONDS AFTER COMPLETION OF WORK.** If bonds have not been issued during the progress of the work, the Council may, upon the expiration of thirty days after the assessment for the cost of such improvement shall have been made final, issue and sell bonds for such amount as may be necessary, after deducting the amount paid by the property owners to pay the cost of the improvement, including such amounts as may have been borrowed for the purpose and all interest and other expense incurred for the construction of said improvements.

Section 54. That Section 2225 of the Code be amended so as to read as follows: Section 2225: **BONDS FOR PUBLIC IMPROVEMENTS.** Bonds issued under the provisions of this article shall be subject to the provisions of existing law relating to the issuance of municipal bonds.

Section 55. That Section 2226 of the Code be and the same is hereby repealed.

Section 56. That Section 2227 of the Code be and the same is hereby repealed.

Section 57. That Section 2228 of the Code be and the same is hereby repealed.

Section 58. That Section 2229 of the Code be and the same is hereby repealed.

Section 59. That Section 2230 of the Code be and the same is hereby repealed.

Section 60. That Section 2231 of the Code be and the same is hereby repealed.

Section 61. That Section 2232 of the Code be and the same is hereby repealed.

Section 62. That Section 2233 of the Code be and the same is hereby repealed.

Section 63. That Section 2234 of the Code be and the same is hereby repealed.

Section 64. That Section 2235 of the Code be and the same is hereby repealed.

Section 65. That Section 2236 of the Code be amended so as to read as follows: Section 2236: **MODE OF IMPROVEMENTS NOT EXCLUSIVE OF OTHER MODES.** Nothing in this article shall be so construed, as to take from the council of any city or town, or in any manner affect the power and authority to compel the property owners by penal ordinance or otherwise, to repair the sidewalks in front of their property in such manner, and with such material, as may be directed under the supervision of the engineer or other officer or agent of the city or town, or to cause such repairs to be made at the expense of the property owner, such expense to be collected as in the case of taxes.

Section 66. That Section 2237 of the Code be amended so as to read as follows: Section 2237: **LANDS PURCHASED OR CONDEMNED BY MUNICIPALITY FOR PUBLIC IMPROVEMENTS.** Whenever in the judgment of the Council, it may be necessary or expedient for the carrying out and full exercise of the powers hereby granted, such council may acquire by purchase or condemnation the necessary lands, or rights or easements, or interests therein, thereunder, and thereafter, and may proceed to condemn the same in the manner provided in this article or by the general laws of this state governing the taking of lands or the acquiring of an interest therein, for the uses for which private property may be taken; in which case such proceedings shall be governed in every respect by the general laws of the state pertaining thereto.

Section 67. If any word, sentence, clause or section of this Code shall be declared unconstitutional, the remainder shall stand.

Section 68. All laws or parts of laws in conflict with any of the provisions of this Act are hereby repealed.

Section 69. This Act shall take effect from and after its passage and approval by the Governor.

Approved September 10, 1927.

No. 640.)

(S. 260. Oliver

AN ACT

To amend Sections 1051, 1058, 1059, 1073, 1074, 1081, 1087, 1134, 1135, 1141, 1146, of Chapter 31 of Article 1, of the Code of Alabama, of 1923, all relating to the public health of Alabama.

Be it Enacted by the Legislature of Alabama:

That Sections 1051, 1058, 1059, 1073, 1074, 1081, 1087, 1134, 1135, 1141, 1146, of the Code of Alabama, of 1923, all relating to the public health laws of Alabama, be amended to read respectively as follows:

Section 1051. (702) STATE BOARD OF HEALTH: AUTHORITY AND JURISDICTION. The State Board of Health shall have authority and jurisdiction— (1) To exercise general control over the enforcement of the laws relating to public health. (2). To investigate the causes, modes of propagation, and means of prevention, of diseases. (3). To investigate the influence of localities and employment on the health of the people. (4). To inspect all schools, hospitals, asylums, jails, almshouses, theatres, opera houses, courthouses, churches, public halls, prisons, stockades where convicts are kept, markets, dairies milk depots, slaughter pens or houses, railroad depots, railroad cars, street railroad cars, lines of railroads and street railroads, including the territory contiguous to said lines, industrial and manufacturing establishments, offices, stores, banks, club houses, hotels, rooming houses, residences, and other places of like character, and whenever insanitary conditions in any of these places, institutions, or establishments, or conditions prejudicial to health, or likely to become so, are found, proper steps shall be taken by the proper authorities to have such conditions corrected or abated. (5). To examine the source of supply, tanks, reservoirs, pumping stations, and avenues of conveyance of drinking water, and whenever these waters are found polluted, or conditions are discovered likely to bring about their pollution, proper steps shall be taken by the proper authorities to improve or correct conditions. (6). To adopt and promulgate rules and regulations providing proper methods and details for administering the health and quarantine laws of the state, which rules and regulations shall have the force and effect of law and shall be

executed and enforced by the same courts, bodies, officials, agents, and employees as in the case of health laws, and a quorum, as provided for by the constitution of the medical association of the State of Alabama shall be competent to act when written approval of any measure has been obtained from each of the other members of the board. (7). To exercise supervision and control over county boards of health and over county health officers and county quarantine officers in the enforcement of the public health laws of the State in their respective counties and whenever any such county board of health, county health officer or county quarantine officer shall fail or refuse to discharge its or his duties said duties may be discharged by the state board of health until proper arrangements are made to insure their discharge by said county board of health or said county health officer, or said county quarantine officer, as the case may be. (8) To act as an advisory board to the State in all medical matters and matters of sanitation and public health. Construed. Report Attorney-general, 1918-20, p. 323, 504; report attorney-general, 1920-22 pp. 41, 464.

Section 1058. (706) DUTIES OF COUNTY HEALTH OFFICER. It shall be the duty of the county health officer to exercise, subject to the advice of the committee of public health and in accordance with the health laws of the State, general supervision over the sanitary interests of the county, and should he discover any causes of disease, or the existence of any condition detrimental to health of the people, he shall, so far as authorized by law, compel the removal or abatement of the same, and should no authority for removal or abatement exist, he shall report the fact to the county board of health, adding such recommendations as to special action as he may deem proper. (2) To make personal and thorough investigation of the first case, or early cases, of any diseases suspected of being, or known to be, any one of those enumerated in Section 1092 (716) of this Code that may come to his knowledge, or be reported to him, and should he decide such case, or cases, to be one of those enumerated in said section, and in imminent danger of spreading, he shall in accordance with the law institute immediate measures to prevent the spread of such disease and shall forthwith report the facts to the judge of probate of the county to the chairman of the county board of health, and to the state health officer. He shall cause to be kept accurate records regarding the incidence, cause, source and results of all such outbreaks. Said records are to be kept on file in the office of the county health department of the several counties in which such outbreaks occur or in the State health department when necessary. Said records, when certified to by the county health officer or his successor in office, under oath, shall be accepted as evidence of the facts set forth in the record by the courts. (3)

To Obtain as Needed: To obtain as needed at the expense of the county a sufficient supply of vaccine virus with which to vaccinate without charge, all persons in communities where an outbreak of smallpox has occurred and repressive measures, as provided for in section 1093 of the Code of 1923, have been invoked also when the vaccination of school children, as provided for in the School Code, has been ordered. (4). To visit the county jail, all convict camps where any county convicts are worked and the county almhouse, at least once a month and to make careful investigation as respects the drinking water, the food, the clothing and bedding supplied to the prisoners of the former and the inmates of the latter; also, as to the ventilation, air space, heating and bathing facilities, closets, drainage, etc., of these institutions, and when any of said supplies are found to be inadequate in quantity or deficient in quality, or any of said conditions insanitary, the county health officer shall make in writing a circumstantial report thereof to the judge of probate and court of county commissioners or other like board, whereupon said judge of probate and court of county commissioners shall carry out whatever recommendations are made by the county health officer as respects the county jail and county almhouse, and said health officer shall forward duplicates of his reports to the county board of health and to the state health officer. He shall visit the county courthouse and other public buildings belonging to the county once each month and make investigation corresponding with those laid down in this section as applying to the jail and almhouse, and should he find insanitary conditions existing he shall report the same to the court of county commissioners or other like board, and the court of county commissioners shall remedy the insanitary condition in accordance with the recommendations of the county health officer. (5). To make to the state board of health by or before the tenth day of each calendar month a full report, so far as the facts reach him, of all cases of infectious diseases and of all births and deaths, specifying the cause of the latter, that occur in the county, including all municipalities therein, for the preceding month. (6) To make to the judge of probate and court of county commissioners, or other like board and to the county and state boards of health monthly report of all public health and sanitary work done in the county during the preceding month. This report shall contain such information, suggestions and recommendations in regard to the protection of the health of the people as he may deem proper. (7) To make to the state health officer prompt report of the presence in the county, so far as is reported to him, or as comes to his knowledge, of any of the diseases enumerated in section 1092 (716) of this Code, furnishing such information and at such intervals as the state health officer may require. (8) To make to

the county board of health such reports and at such time as said board may require. (9) To appear before the grand jury at each of its sittings and to report all violations of the health laws of the state, especially any failures on the part of the physicians of the county, including all municipalities therein, to report the births, deaths, and infectious diseases that occur in their practice; also to report all failures on the part of midwives to report the births and the deaths that occur in their practice; also, to report failures on the part of dealers in coffins to report all sales of coffins made by them. (10) In case of a contemplated absence from the county by the county health officer, or in case of his disability from any cause of a character so as to interfere with the discharge of his official duties, he shall notify the chairman of the county board of health and the state health officer of such condition; and he shall, in writing, name a member of the county medical society who is acceptable to the county board of health, to act for him during his absence or disability, but his absence or disability shall not be for longer than thirty days, unless he first obtains the approval of the State health officer. 11. To be present at all meetings of the county board of health for the purpose of keeping that body fully informed, as to health conditions prevailing in the county and to likewise keep the court of county commissioners or other like board informed on such matters as said board may deem proper. 12. To attend all conferences of county and municipal health officers which may be called by the state health officer. 13. To discharge such other health functions as are, or may be required of him by law. (14) To occupy an office in the courthouse of the county, to be assigned by the court of county commissioners or other like board and in the event that an office in the court house is not available the same court or board may in its discretion provide an office for him conveniently located with reference to the court house, and the court of county commissioners or other like board may in its discretion appropriate from the revenue of the county such sums as are found necessary to furnish and equip the office of the county health officer with all necessary supplies, and furnish all necessary clerical help, transportation and other expenses of the county health officer, and may in its discretion appropriate from the revenues of the county money for the prosecution of public health work which has been recommended by the county health officer and indorsed by the county board of health and approved by said court of county commissioners or other like board. 15. To visit so far as lies in their power, all cases of infectious or contagious diseases that occur in the county, for the purpose of seeing that all proper measures are enforced to prevent their spread, and to repeat these visits from time to time as may be necessary. 16. To make a special effort to locate all cases of tuberculosis and

pellagra in the county, especially incipient cases, with a view of not only urging prompt treatment thereof, but also the adoption of such precautions as are deemed necessary to protect them. 17. To inspect the schools of the county at least once annually with the view of seeing that they are supplied with pure drinking water and surrounded by sanitary conditions in all respects, especially to investigate whether or not said schools are equipped with sanitary closets; further, to examine the pupils of the schools at least annually for the purpose of ascertaining any defects of sight or of hearing that may exist, or of ascertaining the presence of adenoids, enlarged tonsils, skin diseases, spinal curvature, hookworm disease, etc., that may interfere with progress in their studies, and whenever any of the above named diseases or defects are discovered the county health officer shall so notify the parents of the child affected. 18. To teach the proprietors of slaughter houses, dairies, grocery houses, hotels, lunch stands, etc., the importance of protecting all food products from dust and insects of every kind and to require the proper protection of food products by glass cases, screens or other devices approved by the county board of health and to impress upon the people of the county the importance of similar protection in their own homes. 19. To teach the people of the county by lectures, newspaper articles and demonstrations the causes, modes of propagation and of prevention of diseases, with special references to the spread of disease of flies, mosquitoes, rats, fleas, ticks, and other vermin, also the importance of screening their houses against these purveyors of disease. 20. To teach the people of the county how to maintain sanitary conditions in and around their homes, especially how to supply themselves with pure drinking water and pure milk, and also how to provide sanitary closets. 21. To make such reports as may be required of them to the county board of health, to the court of county commissioners and to the state health officer, said reports to be made on such blanks and forms as may be prescribed by the state board of health. 22. To attend meetings of the court of county commissioners or board of revenue from time to time, or whenever so requested, for the purpose of giving said court or board all desired information as respects the public health interests of the county. Referred to report attorney-general, 1918-20, p. 562. Construed.—Report of attorney-general, 1918-20, pp. 87, 407.

Section 1059. **THE SALARY OF THE COUNTY HEALTH OFFICER.** The salary of the county health officer shall be fixed by the county board of health, subject to the approval of the court of county commissioners; or other like governing board and the state board of health, and shall be payable monthly from the county treasury as in the case of other salaries paid by the county; provided that in those counties in which a budget has been

provided and agreed upon by the State, county or other contributing agencies, it may be paid out of said budget, by or under the direction of the state board of health, as other claims are paid out of said budget.

Section 1073. BURIAL OR REMOVAL PERMIT; DUTY OF UNDERTAKER. The undertaker, or person acting as undertaker, or in the absence of such person, the head of the household, shall file the certificate of death with the local registrar of the district in which the death occurred and obtain a burial or removal permit prior to any disposition of the body. He shall obtain the required personal and statistical particulars from the person best qualified to supply them over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as provided in two preceding sections, and he shall then state the facts required relative to the date and place of burial or removal, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal or other disposition of the body. The undertaker shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach removal permit to the box containing the body, when shipped by any transportation company; said permit to accompany the body to its destination, where if within the State of Alabama, it shall be delivered to the person in charge of the place of burial.

Section 1074. DEALERS IN COFFINS; RECORD AND REPORT OF. Every person, firm, or corporation selling a burial casket and every person who makes one on a special order, shall keep a record showing the name and post office address of the purchaser or orderer, name, sex, color, and age of deceased, and date and place of death of deceased, which record shall be open to inspection of the state registrar at all times. On the first day of each month the person, firm, or corporation, selling caskets or making them on special order shall report to the state registrar each sale or making for the preceding month, on a blank provided for that purpose; provided, however, that no person, firm, or corporation, selling caskets to dealers or undertakers only shall be required to keep such record, nor shall such report be required from undertakers when they have direct charge of the disposition of the body. Every person, firm, or corporation selling a casket at retail, and not having charge of the disposition of the body, shall inclose within the casket a notice furnished by the State registrar calling attention of the family to the requirements of the law; a blank certificate of death, and

the rules and regulations of the State board of health concerning the burial or other disposition of a dead human body.

Section 1081. MANAGERS OF HOSPITALS, ETC., KEEP RECORDS OF PATIENTS AND INMATES. All superintendents, managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases or confinement, or are committed by process of law, shall forthwith make a record of all the personal and statistical particulars relative to the inmates in their institutions which are required in the forms of the certificates provided for by this section as directed by the state registrar; and thereafter such record shall be, by them made for all future inmates at the time of their admittance, and in case of persons admitted for treatment of disease, the physician in charge shall specify for entry in the record, the nature of the diseases, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself if it is practicable to do so; and when they cannot be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends, or other persons acquainted with the fact. Furthermore, all superintendents, managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases or confinement, or are committed by process of law, shall keep a record of all births and all deaths within their institutions and on the first day of each month shall report such births and deaths for the preceding month on such form as the state board of health shall provide, to the county health officer, or in counties without full time county health officer, to the state registrar. Nothing in this section shall be taken to relieve the undertaker, or other person having charge of burial or removal, of his responsibility to file death certificate in accordance to section 1073 or the responsibility of physicians to file birth certificate in accordance to section 1077.

Section 1087. CERTIFIED COPY OF RECORD OF BIRTHS OR DEATHS, FEES TO STATE REGISTRAR. The State registrar, upon request, shall supply to any applicant entitled to same a certified copy of the record of any birth or death registered under provisions of this article for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant. Any such copy of the record of a birth or death, when properly certified by the State registrar, shall be prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional part of an hour of time of search, said fee to be paid by the applicant. And the State reg-

istrar shall keep a true and correct account of all fees by him received under these provisions, and turn said fees over to the State Treasurer. The State registrar shall, upon request of any parent or guardian, supply, without fee, a certificate limited to a statement as to the date of birth of any child when the same shall be necessary for admission to school, or for the purpose of securing employment. The United States Census Bureau may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of fees herein prescribed.

Section 1134. SANITARY PRIVIES; HOW REQUIRED. It shall be unlawful to build, maintain or use an insanitary privy, or one that is or is likely to become a menace to the public health, any where within any incorporated town or village or hamlet or at or within three hundred yards of any school, church, dairy, or other food handling establishment, or at any residence which is less than three hundred yards distant from any other residence. The State board of health, or the committee of public health, acting through its duly authorized agents or employees, shall require, by notice, every person, firm, or Corporation, or agent thereof, owning or occupying property in such districts as described above to install the required number of sanitary privies conforming to specifications of the State board of health, or to connect with sewer lines, or to dispose of sewage in such sanitary manner as shall be approved by the State board of health. All privies built following the serving of a notice shall conform in every respect with the specifications, rules, and regulations applying to sanitary privies made and promulgated by the State board of health, and shall be maintained as prescribed by the said rules and regulations.

Section 1135. (717) ISOLATION AND DETENTION OF CASES OF DISEASE. Whenever the State health officer or his representative, or the county health officer or his representative, shall be notified of any person or persons afflicted with any of the diseases named in section 1092 (716) of the Code of 1923 or having been in contact with a person or persons afflicted with any one of the diseases named in section 1092 (716) of the Code of 1923, he shall at his discretion isolate or quarantine such person or persons. Such quarantine shall be established and maintained in accordance with the rules and regulations adopted by the State board of health for the control of the disease with which the person or persons is afflicted.

Section 1141. (721) RESISTANCE TO HEALTH OFFICER. If in the attempt to perform any duty enjoined by any section in this article one of chapter thirty-one of the Code of 1923, the health officer of a county, city, or town shall be forcibly resisted, or threatened with forceful resistance, such health offi-

cer shall make affidavit before the judge of any court of record, the judge of probate, or any justice of the peace of said county that said forceful resistance has been made, or threatened, whereupon, the officer before whom said affidavit has been made shall forthwith issue his warrant directed to the sheriff, or to any bonded constable of said county, commanding said sheriff, or constable, to remove or abate under the direction of said health officer said insanitary condition, or source of infection, or offensive or indecent material or thing, or to remove said afflicted person, and it shall be the duty of said sheriff, or constable, to whom said warrant shall be delivered to promptly execute the same. In executing every such warrant the said sheriff, or constable, shall have the right to enter by force into any such lot, piece of ground, house, or vessel, or upon such pond, lake or stream.

Section 1146. (723) INSPECTION OF PLACES WHERE FOOD IS SOLD. STATE BOARD OF HEALTH TO PRESCRIBE REGULATIONS FOR INSPECTION OF. The state board of health shall prescribe rules and regulations for the inspection and operation of all grocery stores, vegetable stores, delicatessen stands, meat stands, restaurants, dining cars, lunch stands, eating places, hotels, rooming houses and public dining rooms, soda fountains, bottling plants, tourist camps, abbatoirs and packing plants, oyster plants including shipping of same and any and all other food handling establishments and other like places, together with pantries, kitchens and yards belonging thereto, and shall furnish copies of said rules and regulations to county boards of health and to county health officers, whereupon it shall be the duty of said county boards of health and county health officers, to enforce such rules, and the county health officer, or if there be none, the county board of health, is hereby given authority to close any of the places named in this section which are kept in an insanitary condition, or if the owner or manager of same violates said rules and regulations. When such place is closed to the public by the county health officer, it shall not be reopened until his written permission is obtained. In the event that any establishment named in this section should be closed by order of the county health officer the owner thereof shall have the right to appeal to the county board of health. Such board shall investigate such cases and affirm or reverse the action of the county health officer. Once every month the county health officers may announce publicly all places inspected during the previous month which have been found in good sanitary condition. In any particular case under this section, the state board of health and the state health officer, may, if in their discretion the special circumstances make it advisable, take out of the hands of the county board of health and the county health officer the

enforcement of this section and proceed themselves to enforce it, the state board of health acting in the place of the county board of health and the state health officer in the place of the county health officer.

Approved September 9, 1927.

GENERAL LAWS

(AND JOINT RESOLUTIONS)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

SPECIAL SESSION OF 1926

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY,

Commencing Tuesday, December 28, 1926



WM. W. BRANDON, Governor.

CHARLES. S. McDOWELL, JR., Lieutenant-Governor.

JAS. B. ELLIS, President Pro Tem. of the Senate.

HUGH D. MERRILL, Speaker of the House.

Montgomery, Alabama.
The Brown Printing Company,
State Printers and Binders,
1927.

GOVERNOR'S MESSAGE

To the Legislature of Alabama:

Gentlemen:

After careful consideration and due deliberation, with a review of the public's welfare, and with an earnest desire to co-operate with my successor in office, I reached the conclusion that an emergency existed, such as contemplated in the Constitution, and I have called you into extraordinary session in order that there shall be no cessation in road building in this great State.

Upon careful examination it has been found that the incoming administration will be unable to continue a road-building programme unless funds are supplied. After a conference with the Governor-elect, Hon. Bibb Graves, a programme was agreed upon to give to the people of Alabama an opportunity to pass upon the question of a Twenty-Five Million Dollar bond issue for the purpose of building roads. All but \$2,000,000.00 of the \$25,000,000.00 heretofore authorized have been issued and sold and the proceeds applied to the building of roads. Much good has been done, many roads have been built but still more needs to be done and Alabamians are called upon to "take no backward step" but continue the work until good roads are built in every county in the State and the gaps in those already built are constructed, giving to field and farm transportation facilities second to none in the South. Therefore, I have issue a proclamation calling you here, naming only two subjects in my proclamation to be considered by you under this call, to-wit:

1. To submit to a vote of the electorate of Alabama a Constitutional Amendment authorizing the issuance and sale by the State of Alabama of bonds not to exceed in value twenty-five million (\$25,000,000.00) dollars, for the purpose of constructing and maintaining roads, highways, and bridges in the State, said bonds to be in addition to those heretofore authorized for such purposes.

2. To enact a law levying a tax of two cents per gallon on gasoline or other substances or substitutes for the same as the motive power of self-propelled vehicles of all kinds, said tax to be in addition to that already levied upon such substances.

So you will observe that the motive that prompted the call was that funds be made available to the incoming administration as early as possible so that no delay may be had in this undertaking for our development. Bills will be introduced covering these two subjects and I earnestly urge the passage of both as speedily as possible.

I beg to transmit herewith copy of my proclamation calling you in extra session and I ask that same be made a part of the record.

Trusting that your deliberations will be harmonious and that the State will continue to go forward and that all forces will unite for the peace and prosperity of our people, I am

Sincerely yours,
WM. W. BRANDON,
Governor.

A PROCLAMATION

By the Governor

WHEREAS, in my opinion, an emergency, such as is contemplated by Section 122, Constitution 1901, exists requiring the action of the Legislature of Alabama concerning matters hereinafter specifically mentioned.

NOW THEREFORE, I, William W. Brandon, Governor of the State of Alabama, do hereby call into extra-ordinary session the Legislature of Alabama elected on November 2, 1926, such extraordinary session of the Legislature to convene at the Capitol in the Senate Chamber and in the Hall of House of Representatives on Tuesday, the 28th day of December, 1926, at twelve o'clock, noon, and I do hereby designate the following subjects and matters as those concerning the action of the Legislature, deemed necessary:

(1) To submit to a vote of the electorate of Alabama a Constitutional Amendment authorizing the issuance and sale by the State of Alabama of bonds not to exceed in value twenty-five million (\$25,000,000.00) dollars, for the purpose of constructing and maintaining roads, highways, and bridges in the State, said bonds to be in addition to those heretofore authorized for such purposes.

(2) To enact a law levying a tax of two cents per gallon on gasoline or other substances or substitutes for the same as the motive power of self-propelled vehicles of all kinds, said tax to be in addition to that already levied upon such substances.

IN WITNESS WHEREOF, I, William W. Brandon, have caused this proclamation to be issued on this the 27th day of November, in the year of our Lord, One Thousand Nine Hundred and Twenty-six, and have caused the same to be attested by the Secretary of State Under the Great Seal of State.

(Seal)

WM. W. BRANDON,
Governor.

By the Governor:
S. H. BLAN,
Secretary of State.

GENERAL ACTS

PASSED AT THE SPECIAL SESSION 1926-27

No. 1.)

(S. J. R. 10. Craft.

SENATE JOINT RESOLUTION

RESOLVED by the Senate, the House concurring, that:

WHEREAS, William Simpson Keller has been called to the Great Beyond since the Legislature of Alabama has been in session,

WHEREAS, he served the State of Alabama continuously as State Highway Engineer from the inception of the State Highway Department until his death in September, 1925, and,

WHEREAS, his service was exceptionally efficient and of great value to the people of Alabama, we hereby testify to his great worth and deplore the loss the State has suffered by his death. We commend the action of the Highway Department in naming the great bridge now being erected across the Tennessee River at Decatur as a memorial to him.

BE IT FURTHER RESOLVED, That copies of this resolution be given to the papers of the State, to Mrs. Keller and to his sisters, Miss Helen Keller and Mrs. Warren Tyson.

Approved Jan. 4, 1927.

No. 2.)

(H. 6. Tunstall.

AN ACT

To appropriate the sum of fifty thousand dollars, or so much thereof as may be necessary, out of the general funds of the State Treasury for the purpose of defraying the expenses of the Extraordinary Session of the Legislature of the State of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. That the sum of fifty thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the General Funds in the State Treasury for the purpose of defraying the expenses of the Extraordinary Session of the Legislature of Alabama.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor.

Approved Jan. 4, 1927.

AN ACT

No. 3.)

(H. 2.—Tunstall.

To impose an excise tax, in addition to that already imposed by the Act approved February 10, 1923; on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatsoever gasoline or other liquid motor fuels or devices or substitutes therefor in this State; and providing for the collection and payment of such tax and distribution of the funds derived therefrom, and providing for its enforcement and fixing a penalty for the violation of any of the provisions hereof.

Be it Enacted by the Legislature of Alabama, That:

Section 1. As used in this Act, the term gasoline shall include gasoline, naphtha and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines; provided, however, that nothing contained in this Act shall be held to apply to those products known commercially as "kerosene oil", "fuel oil" or "crude oil" used for lighting or heating purposes. The word person means and includes persons, corporations, co-partnerships, companies, agencies or associations, singular or plural. The term distributor shall include any person who engages in the selling of gasoline in this State by wholesale domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term retail dealer shall include any person herein defined as distributor who is also engaged in the selling of gasoline in this State at any place in this State in broken quantities. The term storer as herein used shall include any person who ships gasoline into this State in tank quantities and stores the same and withdraws or uses the same for any purpose.

Section 2. Every distributor, retail dealer or storer of gasoline as herein defined shall pay an excise tax of two cents per gallon upon the selling, distributing or withdrawing from storage for any use gasoline as herein defined in this State, provided however that this excise tax shall not be levied upon the sale of gasoline in interstate commerce, and provided further that where the excise tax of two cents per gallon upon the sale of such gasoline shall have been paid by a distributor or by a retail dealer or storer such payment shall be sufficient, the intention being that the tax shall not be paid but once.

Section 3. The excise tax imposed by section two hereof shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawals be for sales or other use; provided, that "sellers" of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter

required and storers and distributors shall compute and pay this tax on the basis of their withdrawals or distributions.

Section 4. On or before the 20th day of each month after this Act shall have taken effect, every person upon whom this excise tax is levied shall render to the State Tax Commission on forms prescribed by such Commission a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for the payment of the excise tax herein prescribed, and shall furnish to said Commission such additional information as such Commission may require upon blanks to be formulated and furnished by said Commission, and at the time of making such report shall pay to the State Tax Commission an amount of money equal to the excise tax herein laid.

Section 5. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths and any false or fraudulent statement sworn to shall constitute perjury and upon conviction thereof the person so convicted shall be punished as provided by Section 5161 of the Code of Alabama.

Section 6. All distributors, storers or retail dealers shall keep, for not less than two years, within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sales or withdrawals of gasoline made in this State covered by this Act.

Section 7. Within 30 days after the passage of this Act, every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline shall make a report on blanks furnished by the State Tax Commission to the State Tax Commission showing the place and post office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline, which information shall be entered by the State Tax Commission on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one post office address to another, such distributor, storer or retail dealer shall within 30 days thereafter notify the State Tax Commission of such removal, giving the former place and post office address and also the place and post office address to which the business has been removed. After this Act becomes effective no person shall become a distributor, storer or seller of gasoline in this State until he shall have made such reports to the State Tax Commission.

Section 8. If any distributor, storer or retail dealer in gasoline in this State covered by the provisions in this Act shall fail to make the reports or any of them, to the State Tax Commission as herein required or shall fail to keep the records required by Section 6 hereof, such distributor, storer or retail

dealer shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each of such offense.

Section 9. It shall be the duty of the State Tax Commission to enforce the provisions of this Act and the State Tax Commission shall have the right itself or by any of its members or its agents to examine the books, reports and accounts of every such distributor, storer or retail dealer of gasoline covered in this Act.

Section 10. The proceeds of the excise tax levied by this Act shall, when collected, be covered into the State Treasury to the credit of the public road and bridge fund. All funds so raised shall be primarily charged with the payment of the interest upon such additional highway and bridge bonds when the same shall have been authorized and sold, and to provide a sinking fund which shall be sufficient to retire such bonds within a period of 31 years. Any residue of such fund, after provision shall have been made for the primary obligations herein set out, may be used by the State Highway Commission with the approval of the Governor, in maintaining the public roads and bridges constructed under the proceeds derived from said bonds, in equipping and preparing convicts for use upon the roads and bridges of this State, for the maintenance of such convicts while so at work upon such roads and bridges, for compensating the State for the use of such convicts, and for such other use upon the roads and bridges of this State as may be authorized by the Highway Commission with the approval of the Governor. Provided, however, that the residue of such fund shall not be expended contrary to law as it now exists or may hereafter be enacted.

Section 11. The acceptance of any money paid for the excise tax provided for in this Act shall in no way preclude the collection of the money actually due, provided however that the money actually paid shall constitute a credit against the money actually due.

Section 12. The forms for all statements and reports required in the provisions of this Act shall be prescribed and furnished by the State Tax Commission and the cost of the enforcement of this Act shall be paid out of the funds derived from the excise tax herein prescribed upon a warrant of the State Auditor upon a voucher of the Chairman of the State Tax Commission and approved by the Governor.

Section 13. If distributor, storer or retail dealer of gasoline covered by this Act shall fail to make the monthly returns prescribed herein the State Tax Commission shall make a return for such delinquent upon such information as it may reasonably obtain, assess the excise tax thereon, and add a penalty

for failure to make such returns 25 per cent of the tax due, to the amount as assessed by the Commission.

Section 14. The State Tax Commission shall, as soon as is practicable, and before the 30th day of the month, certify to the State Auditor and the State Treasurer names of all persons liable to pay the tax herein provided together with the post office address and the amount of the tax, and if any such tax and penalties shall not have been paid, the Chairman of the State Tax Commission shall issue executions for the collection of such tax directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent tax by the county tax collectors and make returns of such executions to the State Tax Commission. The tax and all penalties herein provided for shall be held as a debt payable to the State of Alabama by the person against whom the same shall be charged and all such penalties and assessments shall be a lien upon the property in this State of the party charged therewith.

Section 15. Any distributor, storer or retail dealer who shall violate any of the provisions of this Act may be restrained and the proper prosecution instituted in the name of the State of Alabama by its Attorney General or under his direction by any Circuit Solicitor of the State from distributing, selling or withdrawing from storage any gasoline, the sale or withdrawal of which is taxable under this Act, until such person shall have complied with the provisions of this Act.

Section 16. Should any section of this Act or any part of this Act be declared unconstitutional it shall not invalidate the remaining sections thereof.

Section 17. Nothing in this Act shall be held or construed to in any way repeal or change the excise tax now levied and collected and distributed to the counties as provided in the Act approved February 10th, 1923.

Section 18. This Act shall go into effect immediately upon its passage.

Approved January 4, 1927.

No. 4.)

(H. J. R. 5. Lovelace.

HOUSE JOINT RESOLUTION.

WHEREAS, in the death of Judge James J. Mayfield, which occurred on January 1, 1927, the State of Alabama has lost one of its most distinguished citizens, one who in public and private life exemplified many noble and enduring traits of character and whose official life as an Associate Justice of the Supreme

Court, and as the Commissioner who prepared the Codes of Alabama of 1907 and 1923 revealed a great legal mind and a fearless and upright judge and lawyer, and who in other capacities and relationships impressed his fellow-citizens with his high intellectual attainments, his devotion to his State and its people, and his rugged but gentle and loving character; Now, therefore,

BE IT RESOLVED by the House, the Senate concurring, That the Legislature of Alabama has heard with profound regret of the passing of this great man; that its heartfelt sympathy is hereby extended to his grief-stricken family; and that a copy of this resolution be delivered by the Clerk of the House to his widow.

Approved January 4, 1927.

No. 5.)

AN ACT

(S. 1. Craft.

To propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair and maintain public roads, highways and bridges in the State of Alabama; and to that end to authorize the State to issue and sell negotiable interest-bearing bonds in an amount not to exceed twenty-five million dollars (\$25,000,000.00) in addition to the bonds authorized under the Act approved October 29th, 1921, proposing an amendment to the Constitution of the State of Alabama known and designated as Article XX; and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds and for the retirement of such bonds; and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held on Tuesday the 12th day of April, 1927, which day is after the expiration of three months from and after the final adjournment of this special session of the Legislature.

Be it Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of the State of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State of Alabama upon the proposed amendment and the day hereby appointed for such election is Tuesday, the 12th day of April, 1927, which day is more than three months after the final adjournment of this special session of the Legislature at which this amendment is proposed. The proposed amendment is as follows: Article XX A. Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for this purpose the State is authorized to appropriate funds, and also to issue and sell interest-bearing negotiable State bonds in addition to those already authorized and sold under Article

XX, as an amendment to the Constitution of 1901, in an amount not to exceed the sum of twenty-five million dollars (\$25,000,000.00); to be issued under such denominations, numbers and series, and maturing at such times as may be provided by law; all such bonds shall bear a rate of interest not greater than six per cent per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. The State Highway Commission or Highway Department shall locate, construct, and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or feasible route or by a permanent road, having due regard to the public welfare; and to connect the county seats of the several border counties at or near the State line with a public road in the border State. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of the circuit court are held, the places where said terms of court are held, shall likewise be connected with each other. It shall be the duty of the Highway Commission or Highway Department to equitably apportion among the several counties of the State the expenditure of both money and labor and the time or times of making such investment. Not less than one quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State Highway Commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and the interest on these bonds and for the construction, maintenance and improvement of such public highways, roads and bridges, the Legislature shall levy an excise tax in addition to the levy made February 10, 1923, of two cents per gallon upon gasoline or any substitute therefor, or an adequate license or excise tax on any other motive power used to propel auto vehicles. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and the interest thereon the full faith and credit of the State is hereby irrevocably pledged and such bonds shall be exempt forever from taxes of every kind.

Section 2. Notice of the election hereby ordered together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz.: "Shall the following be adopted as Article XX A of the Constitution of Alabama?"

Article XX A, Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for this purpose the State is authorized to appropriate funds, and also to issue and sell interest-bearing negotiable State bonds in addition to those already authorized and sold under Article XX, as an amendment to the Constitution of 1901, in an amount not to exceed the sum of twenty-five million dollars (\$25,000,000.00); to be issued in such denominations, numbers and series, and maturing at such times as may be provided by law; all such bonds shall bear a rate of interest not greater than six per cent per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. The State Highway Commission or Highway Department shall locate, construct and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or feasible route or by a permanent road, having due regard to the public welfare; and to connect the county seats of the several border counties at or near the State line with a public road in the border State. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of the circuit court are held, the places where said terms of court are held, shall likewise be connected with each other. It shall be the duty of the Highway Commission or Highway Department to equitably apportion among the several counties of the State the expenditure of both money and labor and the time or times of making such investment. Not less than one quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State Highway Commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and the interest on these bonds and for the construction, maintenance and improvement of such public highways, roads and bridges, the Legislature shall levy an excise tax, in addition to the levy made February 10, 1923, of two cents per gallon upon gasoline or any substitute therefor, or an adequate license or excise tax on any other motive power used to propel auto vehicles. Such bonds when issued shall be a direct obligation of the State and for the prompt and faithful payment of the principal and the interest thereon the full faith and credit of the State is hereby irrevocably pledged and such bonds shall be exempt forever from taxes of every kind. "Yes———" "No———". The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same

officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State and the election shall be held in all things in accordance with this Act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner, as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purpose as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Approved January 4, 1927.

INTEREST LAWS AND STATUTES OF LIMITATION

	Interest Laws.		Statutes of Limitation.		
	Legal Rate.	Rate Allowed by Contract.	Judgments Years	Notes Years	Open Accounts Years
Alabama	8	8	20	6	3
Alaska	8	12	10	6	1
Arkansas	6	10	10	5	3
Arizona	6	12	5	4	3
California	7	¹	5	4	4
Colorado	8		20	6	6
Connecticut	6	6	²	⁷	6
Delaware	6	6	10	¹⁵ 6	3
District of Columbia	6	10	12	3	3
Florida	8	10	20	¹⁵ 5	2
Georgia	7	8	7	¹⁵ 6	4
Idaho	7	12	6	5	4
Illinois	5	7	20	10	5
Indiana	6	8	20	10	6
Iowa	6	8	⁶ 20	10	5
Kansas	6	10	5	5	3
Kentucky	6	6	15	15	¹⁷ 5
Louisiana	5	8	10	5	3
Maine	6	¹	20	¹⁸ 6	⁶
Maryland	6	6	12	3	3
Massachusetts	6	¹	20	6	6
Michigan	5	7	10	6	6
Minnesota	7	10	10	6	6
Mississippi	6	10	7	6	3
Missouri	6	8	10	10	5
Montana	8	¹	⁵ 10	8	5
Nebraska	7	10	⁵ 5	5	4
Nevada	7	¹	6	4	4
New Hampshire	6	6	20	6	6
New Jersey	6	6	20	6	6
New Mexico	6	12	7	6	4
New York	6	⁶	¹¹ 20	6	⁶
North Carolina	6	6	10	¹³	3
North Dakota	7	12	¹⁰ 10	6	⁶
Ohio	6	8	¹³ 15	15	6
Oklahoma	6	10	²⁰ 5	5	3
Oregon	6	10	10	6	6
Pennsylvania	6	6	¹⁰ 5	¹⁸ 6	6
Rhode Island	¹⁶	¹	20	6	6
South Carolina	7	8	10	6	6
South Dakota	7	12	²¹ 10	6	6
Tennessee	6	6	10	6	6
Texas	6	10	⁸ 10	4	2

INTEREST LAWS AND STATUTES OF LIMITATION—Continued

	Interest Laws.		Statutes of Limitation.		
	Legal Rate.	Rate Allowed by Contract.	Judgments Years	Notes Years	Open Accounts Years
Utah	8	12	8	6	4
Vermont	6	6	8	6	6
Virginia	6	6	20	15	10
Washington	6	12	6	6	3
West Virginia	6	6	10	10	5
Wisconsin	6	10	12	6	6
Wyoming	8	12	21	5	8

¹Any rate. ²Any rate, but only 6 per cent can be collected by law. ³No law.

⁴Six years from last item.

⁵In courts not of record 5 years.

⁶Twenty years in courts of record; in justice's court 10 years.

⁷Negotiable notes 6 years, non-negotiable 17 years.

⁸Becomes dormant, but may be revived.

⁹New York has by a recent law legalized any rate of interest on call loans of \$5,000 or upward, on collateral security.

¹⁰Subject to renewal.

¹¹Not of record 6 years.

¹²No limit.

¹³Foreign, domestic 6 years.

¹⁴Unless a different rate is expressly stipulated.

¹⁵Under seal, 20 years.

¹⁶Store accounts; other accounts 3 years; accounts between merchants 5 years.

¹⁷Accounts between merchants 2 years.

¹⁸Witnessed 20 years.

¹⁹Ceases to be a lien after that period.

²⁰On foreign judgments one year.

²¹Ten years foreign, 20 domestic.

STATE DEPARTMENTS

-
- Governor*—Bibb Graves, Montgomery.
Lieutenant Governor—W. C. Davis, Jasper.
Secretary of State—John Brandon, Montgomery.
State Auditor—S. H. Blan, Troy.
State Treasurer—W. B. Allgood, Birmingham.
Attorney General—Chas. C. McCall, Butler.
Superintendent of Education—R. E. Tidwell, Birmingham.
Insurance Commissioner—George Thigpen, Montgomery.
Department of Agriculture and Industries—S. M. Dunwoody, Columbia.
Public Service Commission—Hugh White, Gadsden.
State Tax Commissioner—John D. McNeel, Birmingham.
Conservation Commissioner—I. T. Quinn, Montgomery.
Superintendent of Banks—C. E. Thomas, Prattville.
Alabama Highway Director—Woolsey Finnell, Tuscaloosa.
Department of Archives and History—Mrs. Marie B. Owen, Montgomery.
Adjutant General—F. E. Butler, Ozark.
Chief Mine Inspector—W. B. Hillhouse, Birmingham.
State Geologist—Walter B. Jones, University.
State Chemist—Dr. B. B. Ross, Auburn.
State Veterinarian—C. A. Cary, Auburn.
State Securities Commission—Wm. C. Oates, Executive Sec., Montgomery.
Chief Examiner of Public Accounts—Chas. E. McCall, Butler.
Alabama Pension Commission—Chas. E. McCall, Chairman, Butler.
State Fire Marshall—D. M. Slaughter, Roanoke.
Chief Law Enforcement Officer—Walter K. McAdory, Birmingham.
State Prison Inspector—Dr. Glenn Andrews, Montgomery.
State Board of Public Accountancy—M. W. Alldridge, Chairman, Montgomery.
State Docks Commission—Wm. L. Sibert, Chairman, Mobile.
State Board of Education—Bibb Graves, Gov. Chairman, Montgomery.

State Board of Pharmacy—A. O. Thomason, Chairman, Guntersville.

State Board of Pardons—Chas. C. McCall, Chairman, Butler.

State Child Welfare Department—Mrs. A. M. Tunstall, Director, Greensboro.

State Service Commissioner—J. W. Cullens, Ozark.

Alabama Real Estate Commission—F. E. Butler, Chairman, Birmingham.

State Board of Optometry—Hardwick Ruth, Member, Montgomery.

JUDICIAL

Supreme Court—John C. Anderson, Chief Justice, Demopolis.

Court of Appeals—C. R. Bricken, Presiding Judge, Luverne.

OFFICERS AND MEMBERS OF THE LEGISLATURE OF ALABAMA, 1927

SENATE OF ALABAMA

OFFICERS

W. C. Davis, Lieutenant-Governor.....	Jasper, Ala.
Senator Watt T. Brown, Pres. Pro Tem.....	Ragland, Ala.
J. E. Speight, Secretary.....	Montgomery, Ala.
Harrison McCutcheon, Asst. Secretary.....	Scottsboro, Ala.

MEMBERS

1st District—Senator W. H. Mitchell.....	Florence, Ala.
2nd District—Senator W. H. Smith.....	Town Creek, Ala.
3rd District—Senator W. E. James.....	Cullman, Ala.
4th District—Senator G. Walter Jones.....	Huntsville, Ala.
5th District—Senator John K. Thompson.....	Scottsboro, Ala.
6th District—Senator Watt T. Brown.....	Ragland, Ala.
7th District—Senator Farmer M. Nixon.....	Anniston, Ala.
8th District—Senator S. C. Oliver.....	Talladega, Ala.
9th District—Senator James A. Hines.....	LaFayette, Ala.
10th District—Senator O. S. Justice.....	Central, Ala.
11th District—Senator W. C. Warren.....	Tuscaloosa, Ala.
12th District—Senator Oliver E. Young.....	Vernon, Ala.
13th District—Senator Fred Fite.....	Birmingham, Ala.
14th District—Senator C. A. Walton.....	Cuba, Ala.
15th District—Senator L. H. Ellis.....	Columbiana, Ala.
16th District—Senator H. M. Caffey.....	Hayneville, Ala.
17th District—Senator James B. Stanley.....	Greenville, Ala.
18th District—Senator J. Marvin Moore.....	Marion, Ala.
19th District—Senator Carlton E. Edgar.....	Butler, Ala.
20th District—Senator J. T. Carlton.....	Prentice, Ala.
21st District—Senator Sibley Holmes.....	Foley, Ala.
22nd District—Senator J. M. Bonner.....	Camden, Ala.
23rd District—Senator Charles O. Stokes.....	Ozark, Ala.
24th District—Senator Millard I. Jackson.....	Clayton, Ala.
25th District—Senator John M. Loflin.....	Enterprise, Ala.
26th District—Senator S. C. Cowan.....	Union Springs, Ala.
27th District—Senator Jacob A. Walker.....	Opelika, Ala.
28th District—Senator Charles B. Teasley.....	Montgomery, Ala.

29th District—Senator Thomas W. Bradford.....	Centre, Ala.
30th District—Senator James B. Ellis.....	Selma, Ala.
31st District—Senator Travis Williams.....	Russellville, Ala.
32nd District—Senator Edwin S. Jack.....	Greensboro, Ala.
33rd District—Senator John Craft.....	Mobile, Ala.
34th District—Senator W. B. Nolen.....	Ashland, Ala.
35th District—Senator R. F. Hall.....	Haleburg, Ala.

HOUSE OF REPRESENTATIVES, 1927

OFFICERS

Speaker—J. Lee Long.....	Greenville
Clerk—J. H. Stewart.....	Wedowee
Assistant Clerk—Jesse B. Adams.....	Ozark
Engrossing Clerk—John A. Dickinson.....	Prattville
Enrolling Clerk—J. P. Hanks.....	Montgomery
Doorkeeper—T. J. Fain.....	Ariton

MEMBERS

Autauga—F. Maury Howard.....	Autaugaville
Baldwin—W. C. Beebe.....	Bay Minette
Barbour—William H. Owens.....	Baker Hill, R. F. D.
Barbour—G. W. Winn.....	Clayton
Bibb—N. E. Stewart.....	Blocton, R. F. D.
Blount—F. G. Stephens.....	Oneonta
Bullock—C. D. Norman.....	Union Springs
Bullock—G. H. Jones.....	Fitzpatrick, R. F. D.
Butler—J. Lee Long.....	Greenville
Butler—J. N. Poole.....	Butler Springs
Calhoun—Hugh D. Merrill.....	Anniston
Calhoun—O. L. Stewart.....	Piedmont
Chambers—R. C. Wallace.....	LaFayette
Chambers—J. O. Webb.....	Waverly
Cherokee—W. E. Ringer.....	Round Mountain, R. F. D.
Chilton—Percy M. Pitts.....	Clanton
Choctaw—W. R. Edwards.....	Robjohn
Clarke—D. F. Anderson.....	Thomasville

Clarke—J. T. Johnson	Grove Hill
Clay—J. J. Cockrell	Lineville
Cleburne—Leo R. Jones	Heflin
Coffee—W. M. Brunson	Elba
Colbert—John E. Deloney	Tuscumbia
Conecuh—S. B. Sanders	Brooklyn
Coosa—John A. Darden	Goodwater
Covington—E. O. Baldwin	Andalusia
Crenshaw—Dr. J. B. Moxley	Brantley
Cullman—F. E. St. John	Cullman
Dale—W. F. Monk	Skipperville
Dallas—C. Kirkpatrick	Selma
Dallas—J. W. Green	Selma
Dallas—Wm. P. Molette	Orrville
DeKalb—John T. Bartlett	Collinsville
Elmore—A. C. Rogers	Speigner
Elmore—W. G. Weldon	Wetumpka
Escambia—W. Y. Lovelace	Brewton
Etowah—C. O. Thompson	Gadsden
Etowah—E. D. Jordan	Attalla
Fayette—Wm. M. Cannon	Fayette
Franklin—William H. Quillin	Russellville
Geneva—R. S. Ward	Hartford
Greene—John W. Cook	Eutaw
Hale—A. M. Tunstall	Greensboro
Hale—W. C. Christian	Greensboro
Henry—J. A. Parish	Headland
Henry—T. W. Howell	Headland
Houston—O. L. Tompkins	Dothan
Jackson—Ira Pegues	Stevenson
Jackson—L. H. Hughes	Bridgeport
Jefferson—Lee Edmundson	Birmingham
Jefferson—John C. Morrow	Birmingham
Jefferson—Wallace C. McAdory	Birmingham
Jefferson—James A. Simpson	Birmingham
Jefferson—Mark L. Jeter	Birmingham
Jefferson—George Frey	Birmingham
Jefferson—S. W. Hawkins	Birmingham
Lamar—D. G. W. Hollis	Bedford
Lauderdale—C. W. Ashcraft	Florence
Lauderdale—H. L. Reeder	Florence
Lawrence—J. D. L. Byars	Moulton
Lee—N. D. Denson, Jr.	Opelika
Lee—C. B. Gullatt	Phenix City
Limestone—Jas. G. Rankin	Athens
Lowndes—R. M. Guy	Letohatchie, R. F. D.

Lowndes—L. S. Golson	Fort Deposit
Macon—Geo. T. Bryant	Notasulga
Madison—John P. Hampton	Chase, Ala., R. F. D. 1
Madison—Robt. T. Lawler, Jr.	Brownsboro
Marengo—W. G. Allen	Demopolis
Marengo—A. A. Miller	Nanafalia
Marion—Ernest B. Fite	Hamilton
Marshall—H. L. Nipper	Grant
Mobile—C. M. A. Rogers	Mobile
Mobile—Marion Richard Vickers	Mobile
Mobile—Edward J. Grove	Mobile
Monroe—A. C. Lee	Monroeville
Montgomery—Thos. E. Martin	Montgomery
Montgomery—Eugene W. Carter	Montgomery
Montgomery—R. Tyler Goodwyn	Montgomery
Montgomery—L. A. Sanderson	Montgomery
Morgan—John Patterson	Albany
Morgan—F. E. Burleson	Hartselle
Perry—W. O. Shivers	Marion
Perry—W. L. DeSear	Uniontown
Pickens—Robert G. Langdon	Reform
Pike—J. T. Sanders	Goshen, Rt. 3
Pike—G. J. Hubbard	Troy
Randolph—D. T. Ware	Roanoke
Russell—B. De G. Waddell	Seale
Russell—Roy L. Smith	Girard
Shelby—Paul O. Luck	Columbiana
St. Clair—W. T. Starnes	Pell City
Sumter—C. B. Hightower, Sr.	York
Sumter—Geo. O. Miller	Livingston
Talladega—F. G. Mullen	Talladega
Talladega—S. A. Burns	Talladega
Tallapoosa—G. G. Adcock	Waverly, R. F. D.
Tallapoosa—W. D. Graves	Alexander City
Tuscaloosa—Robt. B. Harwood	Tuscaloosa
Tuscaloosa—T. B. Ward	Tuscaloosa
Walker—James B. Powell	Jasper
Walker—J. Carl Shepherd	Jasper
Washington—Jesse L. Jordan	Chatom
Wilcox—R. J. Goode, Jr.	Gastonburg
Wilcox—B. H. Matthews	Camden
Winston—R. M. Rivers	Houston

INDEX

TO GENERAL ACTS OF THE LEGISLATURE OF 1927

PREPARED BY HON. GEORGE PEGRAM OF MARENGO

NOTE—Index to the Acts of the Special Session of the Legislature, 1926-27, will be found on page 839.

	<i>Page</i>
ABSCONDING FELONS.	
Arrest of	686
ACID, ALKALI AND CAUSTIC ACT.	
Possession and sale regulated.....	90
ACTS AMENDED.	
Banking Department, examiners, assistants and stenographers, Act of Sept. 29th, 1923.....	64
Bessemer, circuit court, Act of Aug. 18, 1919.....	711
Capitol at Tuscaloosa, Act of Jany. 28, 1852.....	561
Cities with 100,000 or more population.	
Commission form of Government. Act of Sept. 25, 1915.....	254
Commission form of Government. Act of Aug. 15, 1923.....	302
Impeachment of Officers, Act. Aug. 28, 1915.....	491
Cities with Commission form of Government, Act of April 11, 1911.....	461
Act of April 8, 1911.....	494
Cities with not less than 25,000 or more than 50,000 population.	
Commission form of Government.	
Act of Sept. 18, 1923.....	188
Act of Sept. 18, 1923.....	490
Inferior courts in Act. Sept. 7, 1923.....	233
Counties with 200,00 or more population.	
Law Libraries, Acts of Sept. 29, 1919, and Sept. 27, 1923.....	262
Treasurer, Act of Oct 31, 1921.....	286
Counties with more than 90,000 and less than 150,000, interest bearing warrants, Act of Feby. 10, 1923.....	259
COUNTY COMMISSIONERS.	
Telephones for offices. Act of Sept. 25, 1919.....	218
COURTS INFERIOR.	
In cities of not less than 25,000 or more than 50,000 population. Act Sept. 7, 1923.....	233
EDUCATION. COUNTY SUPERINTENDENT OF.	
Act of Oct. 1, 1923.....	606
System of. Act of Sept. 26, 1919.....	483
EXCISE TAX ON MOTOR FUELS.	
Act of Feby. 10, 1923.....	16
Act of Feby. 10, 1923.....	326

GASOLINE AND MOTOR FUELS.

Act of Feby. 10, 1923.....	16
Act of Feby. 10, 1923.....	326
Grove Hill, Endowment Fund. Act of Aug. 20, 1915.....	606
Prisoners, feeding in county jails. Act Sept. 29, 1923.....	693
Revenue, General. Subd. K., Auctioneers, factors, etc., privileges tax. Act. Sept. 15, 1919.....	57
Solicitors, Election of in Bessemer Div. of 10th Judicial Circuit Act Sept. 25, 1915.....	103

ACTS REPEALED

Counties with more than 200,000 population. Highways in. Act of Mch. 17, 1915.....	492
Counties with not less than 90,000 or more than 300,000 population. Officers, compensation of certain. Acts Feby. 21, 1927.....	601
Counties with not less than 37,000 or more than 37,400 population. Clerk to Tax Assessor.....	190
Grove Hill, Local Act as to Sage Endowment Fund.....	607
Mobile, Circuit Court Practice. Acts 1900-01.....	269
Money Brokers. Counties with less than 45,000 population, Acts 1900-01.....	270
Motor Vehicles. Certificate title, etc. Act. Sept. 14, 1923.....	21
National Conventions. Delegates to. Act Sept. 13, 1923.....	92
Revenue. Schedules 10, 66, 67, and 69. Acts 1919, page 282.....	141

ADJUTANT GENERAL

Assistants to, duties, salaries etc.....	574
Bonds of.....	575
Duties, powers, salary, etc.....	573

ADMINISTRATION, STATE BOARD OF

Authorized to adjust and pay damages caused by Speigner Flood.....	427
Authorized to pay fund to Washington County Board of Education.....	426
President of, with others, may incorporate Bridge Corporation.....	278

AGENTS OF INSURANCE COMPANIES

Licenses and regulations.....	34
-------------------------------	----

AGENTS AND BROKERS. REAL ESTATE

Licenses and regulations.....	335
-------------------------------	-----

AGRICULTURAL CODE

Joint Committee to read and revise.....	99
School. 4th Dist. Appropriation to buy land etc.....	708

AGRICULTURE AND INDUSTRIES

Code of Laws of adopted.....	324
Codification of Laws authorized.....	60
Commissioner of, duties as to acids, alkalis and caustics.....	90

ALCOHOL

Industrial or Denatured. Manufacture of permitted.....	516
--	-----

ALKALIS, ACIDS AND CAUSTICS

Sale of Regulated.....	90
------------------------	----

AMERICAN LEGION AND AUXILIARIES

Members of employed by State granted leave of absence..... 46

ANIMALS, VEHICLES, GEARS, ETC

Used in transportation of prohibited liquors. Code Sec. 4778
amended 715

APPEALS, COURT OF

Code Secs. amended as to salaries..... 705

APPEALS IN HABEAS CORPUS PROCEEDINGS

Bonds etc. 76

APPROPRIATIONS.

Absconding felons, arrest of..... 686
Archives and History, Ordinary expenses of Dept..... 683
Attorney General. Ordinary expenses of Dept..... 683
Auditor, State. Ordinary expenses of office..... 682
Banking Department. Ordinary expenses of..... 684
Blind. Alabama School for at Talladega. Expenses of..... 26
Bonds, Official. Premiums on..... 686
Boys Industrial School, Alabama. Expenses of..... 718
Budget Commission, salaries of..... 685
Capitol. Additions, repairs, improvements, refurnishings..... 686
Buildings, repairs, improvements, etc..... 29
Child Welfare Department. Expenses of..... 88
Child Welfare Department. Expenses, additional..... 284
Circuits, Judicial.
Judges, salaries and traveling expenses..... 688
Solicitors, Salaries and traveling expenses..... 688
Assistants. Salaries..... 688
Clark County. Certain Endowment fund to be paid to Board
of Education for High School..... 608
Clements, Clifton E., Relief of..... 691
Clements, J. F., Relief of..... 688
Clerk of House, Secretary of Senate, expenses of..... 703
Confederacy, First White House of. Maintenance..... 513
Confederate, Memorial Museum at Richmond. Room..... 511
Additional..... 686
Soldiers Hospital, expenses of..... 481
Veterans. Re-Unions of..... 686
Convict Department. Expenses and Maintenance..... 685
Court of Appeals, Compensation of Judges, Clerks, Secretaries
and Assistants..... 687
Coyle, Perry J., Relief of..... 497
Dairy Farms and Milk Plants. Inspection of..... 261
Deaf, Alabama School for at Talladega. Expenses of..... 27
Demonstration Farms. Establishment and Maintenance..... 423
Department, State. Any requiring additional help..... 688
Distribution of Public Documents..... 686
Education Board, State. Fiscal year ending 1927..... 23
Equalization Fund..... 442
Examiners of Accounts, Department of. Expenses..... 685
Executive Offices
Governor, Compensation..... 682
Private Secretary to Gov., salary..... 682
Recording Secy. to Gov., salary..... 682
Clerk..... 682

APPROPRIATIONS—Continued.

Governor.	
Stenographer	682
Messenger	682
Experiment Stations, Sub-Agricultural. Establishment and	
Maintenance of	473
Finkle E., Relief of	74
Fourth Dist. Agr. School. Purchase of buildings, etc.....	708
Fuel, Lights and Water	686
General Bill for fiscal year ending Sept. 30, 1927.....	252
General Bill for years 1928, 1929, 1930, 1931.....	681
Gettysburg, Erection of Monument.....	510
Governor.	
Contingent Fund.	686
Interest Contingent Fund.....	686
Mansion Fund. Light, Heat, Service, Expenses.....	686
Repairs and Improvements.....	29
Proclamations. Publication of.....	686
Harris, E. R., Relief of	468
Harris, Mrs. Eunice. Relief of.....	643
Hampton, W. P., Relief of	639
Health, State Board of. Expenses and Maintenance.....	470
Home, Alabama. Buildings and equipment.....	471
Indexing Code 1923 and Acts 1927. Commissioner.....	629
Industrial Institute at Camp Hill. Maintenance, etc.....	506
Insurance on Capitol and other Buildings.....	686
Interest on Bonded Debt of State.....	686
Constitutional Loans	686
Jackson, Canerdy, Relief of	564
Jernigan, Olive. Relief of.....	704
Kate Duncan Smith D. A. R. School, at Grant, Ala.....	705
Law Enforcement Dept. Expenses of, salaries, etc.....	685
Legislature, Expenses of	42
Additional	188
Livingston, Municipality of. Pay for school buildings.....	410
Marshall, B. L., Relief of	617
Military and Naval Forces. Expenses of.....	593-597
Military Department. Salaries and Expenses.....	684
Mine Inspectors. Salaries and Expenses.....	685
Muscle Shoals Commission. Expenses of.....	39
Obligations not specifically provided for.....	688
Officers, Salaries of where not otherwise provided for.....	688
Payment for real estate in City of Montgomery.....	687
Polytechnic Institute, Alabama. Extension work.....	330
Postage and Post-Office Box Rent.....	686
Premiums on Official Bonds.....	686
Presidential Electors. Per Diem and Mileage.....	686
Printing, Public	686
Prisoners, Feeding	686
Removal of	686
Prison Inspectors, Compensation and expenses.....	685
Real Estate. Payment for obligations in City of Montgomery.....	687
Reeves, S. M., Relief of	617
Residence Property. Owned or rented by State, repairs etc.....	686
Revolving Fund for Text Books.....	295
Rogers, Frank. Relief of	562
Secretary of Chief Justice of Supreme Court. Salary.....	674
Secretary of State, Ordinary expenses of office.....	682

APPROPRIATIONS—Continued.

Secretary of Senate and Clerk of House. Expenses etc.....	703
Service Commissioner, State. Salary and expenses.....	95
Speigner, Flood Damages. Payment of.....	427
Stationery and Office Supplies.....	686
Stearnes, Mrs. Stancil R., Relief of.....	702
Supreme Court	
Chief Justice and Associate Justices. Compensation.....	687
Clerk and Assistance, Compensation.....	687
Librarian and Assistant. Compensation.....	687
Reporter, Compensation.....	687
Secretary to Chief Justice. Compensation.....	687
Secretaries, Two to Court. Salaries of.....	687
Stenographer and Additional. Salaries.....	687
Servant, Salary.....	687
Talley, Mollie. Relief of.....	713
Tax Commission, State. Ordinary expenses of.....	684
Telephone and Telegrams Official.....	686
Temporary Clerks in various departments. Salaries of.....	687
Text Books. Revolving Fund for.....	295
Training School for Girls, State. Maintenance etc.....	646
Treasurer, State. Ordinary expenses of office.....	682
Watchmen, Capitol. Salaries of.....	687
Wilder, Charles E., Relief of.....	597
White House of the Confederacy, First. Maintenance.....	686

ARCHIVES AND HISTORY, DEPARTMENT OF

Appropriation for	252-683
-------------------------	---------

ARSON

Code Secs. 3289-3294 amended as to.....	552
---	-----

ASSAULTS BY MASKED PERSONS

Punishment of etc.....	616
------------------------	-----

ATHLETIC COMMISSION

Created, appointment, powers, etc.....	92-95
--	-------

ATTORNEY GENERAL, DEPARTMENT

Appropriation for ordinary expenses.....	683
Assistants. Appointment and salaries of.....	31
Stenographers, Three. Appointment and salaries.....	31
Bond Commission, Member of and duties.....	98
Highway Department. Duties to and expenses.....	352

ATTORNEYS.

Who may practice as. Code Sec. 6248 Amended.....	669
--	-----

AUBURN

Trustees Ala. Poly. Institute authorized to receive grants of money from U. S.....	269
--	-----

AUCTIONEERS

Tax on gross commissions. Act. Sept. 15, 1919, amended.....	57-58
---	-------

BAILIFFS

Code Sec. 6717 amended as to	440
In counties of more than 200,000 population.....	714

BALDWIN COUNTY	
Constitutional Amendment submitted, roads, etc.....	304
BANKING BOARD	
Code Secs. 6279-6281, 6300, amended as to.....	65
BANKING CORPORATIONS	
Code Sec. 6383 amended, extending charters.....	42
BANKING DEPARTMENT, STATE	
Examiners, assistants etc. Code Sec. 6284, Acts Sept. 29, 1923..	64
Superintendent, Salary of.....	20
BAR ASSOCIATION, THE ALABAMA STATE	
Code Secs. amended as to.....	77-82
BEMIS, CARRIE	
Relief of	516
BENEFIT SOCIETIES	
May be organized into other insurance companies.....	624
BESSEMER CIRCUIT COURT	
24th Judicial Circuit created.....	721
BEVERAGES, PROHIBITED. (See Liquors).	
BIRMINGHAM, CITY OF	
Constitutional Amendment submitted for.....	306
See also, Cities and Municipal corporations.	
BLIND	
Alabama School for at Talladega, Appropriation for.....	26
Education, State Board of. Maintain register of, etc.....	711
BONDS, BUILDINGS, SCHOOLS, ETC	
Constitutional Amendment submitted for issuance of.....	501
Sale of and Expenditure of amounts if adopted.....	639-675
Contractors for public works. Security for accounts etc.....	37-38
BONDS, COUNTY AND MUNICIPALITIES	
Code of Laws.....	534
Ballots, form and contents.....	537
Bonded Indebtedness, adjustment of.....	539
Election for	535
Conduct, expenses and results of.....	537-538
Contest of	538
Notice of, how given, etc.....	537
Ordering, provisions etc., contest of.....	541-542
Consolidated Municipalities, bonds of.....	547
Exempt from taxation	551
Improvement, Public, For what issued, sale, etc.....	543-547
Incontestable, when	549
Issuance of. Method, provisions, etc.....	538-542
Mortgages of public property, provisions for making.....	550
Objects and purposes for which may issue.....	535
Place of payment, maturity, etc.....	547, 552
Properties of, Negotiability, etc.....	551

BONDS, COUNTY AND MUNICIPAL—Continued	
Purposes and objects for which may issue.....	540
Tax, Special for payment of.....	549
Taxes, Receivable for.....	539
Temporary Loans. In anticipation of issue.....	551
Drainage Districts and sub-districts.....	608
Highway. State. Sale of under Const. Amend. XXA.....	97
BOXING MATCHES. (See Athletic Commission.)	
BOYS INDUSTRIAL SCHOOL, ALABAMA	
Appropriation for	718
BRIDGE CORPORATION	
Authorized incorporation of, etc.....	278
BROKERS AND AGENTS	
Real Estate, licenses and regulations.....	335
BUDGET COMMISSION	
Who compose	25
BUILDING AND LOAN ASSOCIATIONS	
Code Secs. amended as to.....	431
BUILDING COMMISSION	
Code Secs. 88-89 amended as to.....	86
CAPITOL BUILDINGS AND GOVERNOR'S MANSION	
Appropriation	29, 686
CAPITOL BUILDING COMMISSION	
Requested to install elevator.....	503
CAPITOL, STATE AND TUSCALOOSA	
Act Jany. 28, 1852 amended.....	561
CEMETERIES AND GRAVEYARDS	
Rights-of-way to, how acquired.....	520
CHAUFFERS	
Minimum age of	401
CHECKS	
Fraudulent issues. Code Secs. amended as to.....	268
CHILDREN	
Delinquents in Counties of 75,000 to 95,000 population. Juvenile Court jurisdiction of.....	195-212
Counties of 200,000 or more population, Juvenile Court Jurisdiction, definitions, etc.....	727
Retarded mental development. Provisions for schooling.....	598
Under twelve years of age may not drive automobiles.....	401
CHILD WELFARE DEPARTMENT	
Appropriation for	89
Additional	284

CHOCTAW COUNTY

Constitutional Amendment submitted, taxation..... 459

CHURCHES, EDUCATIONAL SOCIETIES, ETC.

Code Secs. Amended as to..... 83

CIRCUIT CLERKS

In circuits of one county with 200,000 or more population,
Salary of 681

Deputy appointed in circuits of one county with more than two
and less than nine judges 33

CIRCUIT COURTS

Bailiffs, appointment of. Code Sec. amended..... 440

Bailiffs in circuits of one county with more than 200,000 popu-
lation, provisions 714

Judges elected only in jurisdiction where they hold court regu-
larly. (Bessemmer) 47

See also: Circuits, Judicial. Judicial and Executive Departments.

CIRCUITS, JUDICIAL

6th. Court Reporter for, duties, salary etc..... 34

7th. Additional Judge. Provisions for..... 633

10th. Additional Judge, Provisions for..... 671

Bessemer. Act Aug. 18, 1919 amended..... 711

13th. Acts 1900-01, page 852 repealed as to..... 269

17th. Court Reporter, duties and salary..... 189

23rd. Created and provisions for. (Madison County)..... 273

24th. Created and provisions for. (Bessemmer et al.)..... 721

Of one county with two judges, judges numbered and numbers
placed on ballots for election..... 221

Of one county with more than two and less than nine judges.
Judges numbered and numbers placed on ballots in elections..... 46

Judge who has served more than twenty years, duties..... 602

Reporter retain transcript fees..... 50

Solicitor, Second Assistant, salary etc..... 36

Stenographer. Appointed by Solicitor, salary etc..... 31

Judges numbered on ballots when two or more elected..... 409

Salaries of 456

State divided into 22 circuits..... 250

CITIES AND TOWNS. (See Municipal Corporations)**CITRONELLE**

Constitutional Amendment submitted as to..... 191

CIVIL SERVICE BOARD

In cities with more than 100,000 population, who compose, du-
ties, etc. 505

CLARK COUNTY, BOARD OF EDUCATION OF

Appropriation to 608

CLEMENTS, CLIFTON E.

Relief of 691

CLEMENTS, J. F.

Relief of 638

CLERK OF SUPREME COURT

Salary, assistants etc. Code Secs. 10327, 10328, 10329 amended
as to 710

CODE OF 1923 AND ACTS OF LEGISLATURE OF 1927

To be indexed by Commissioner selected by Supreme Court..... 629

CODE OF 1923—SECTIONS AMENDED

2. Meaning of word negro, mulatto.....	716
88. 89. Building Commission created, powers, duties etc.....	86
325, 326, 329, 332, 337, 343, 344, 345, 347, 348, 349, 354, 358, and 359. Dentists and dental hygiene.....	747
375, 376, 387, 392, 402 and 403. Registrars.....	274
855. Attorney General, Assistants, Stenographers, etc.....	30
906. Budget Commission. Personnel, salaries, etc.....	25
952. Fire Marshall. Salary of.....	69
1033, 1041. Geological Survey.....	456
1051, 1058, 1073, 1074, 1081, 1087, 1134, 1135, 1141 and 1146. Health, Board of. Authority etc.....	774
1053. Health Officer, State. Election, salary, etc.....	39
1063. Quarantine Officer provided in certain counties.....	102
1106. Venereal diseases. Control of.....	716
1185. Health and Quarantine, Board of. Expenses etc.....	563
1187, 1189, 1190, 1193. Nurses. Registration of, etc.....	604
1464. Mental Deficients. School for.....	628
1530. Legislature. Employes of.....	15
1545. Libraries. Established by counties.....	69
1547. Library, County Board of. Powers and duties.....	69
1754, 1757, 1760, 1894. Municipal Officers.....	706
1933. Recorders, Powers to punish.....	217
2011. Municipalities. Temporary loans by.....	515
2051. Water closets, privies, etc. Statement filed.....	41
2174, 2225, 2236, 2237. Municipal Code.....	753
2336. Elections. Petitions in Class D. cities.....	465
2341. Elections of Commissioners, Municipal.....	253
2848. Health Laws.....	533
2948, 2973. Pensions of Confederate Veterans.....	71
Soldiers, sailors and wives.....	469
2975. Soldiers Home. Board of Control.....	40
2981. Confederate veterans eligible to Home.....	40
2984. Confederate Soldiers Hospital.....	481
3005. Female Delinquents.....	562
3023, 3024, 3025. Municipalities may exempt certain industries from taxation.....	641
3183. White House of Confederacy, First.....	513
3238. Habeas Corpus. Appeals in and bail.....	76
3289, 3290, 3291, 3292, 3293, 3294. Arson and attempts.....	552
3858. Justice of the peace or courts of like jurisdiction, ap- peals from.....	33
4039. Fees of officers paid out of F. & F. fund, etc.....	45
4158, 4160. Checks and Drafts. Fraudulent.....	286
4559. Witnesses and surgeons summoned.....	497
4569. Compensation of surgeons and physicians.....	497
4622. Penalty for violation, prohibition laws.....	714
4778. Contraband animals, conveyances, gears etc.....	715
4859. Prisoners, feeding in county jails.....	693
5001. Miscegenation, punishment of.....	219

CODE OF 1923—SECTIONS AMENDED—*Continued*

5523. Deputy Solicitors, salaries etc.....	513
5526. Assistant Solicitors, salaries, etc.....	479
6221. Bar Commission, State. Election of.....	79
6224. Bar, State. Organization and Commissioners.....	79
6239. Bar, State. Annual meetings.....	77, 79
6248. Attorneys, Who may practice.....	669
6277. Banks, Superintendent of. Salary, etc.....	20
6279, 6280, 6281, 6300. Banking Board, Appointment, etc.....	65
6284. Banking Department, State. Examiners, etc.....	64
6383. Banking Corporations. May extend charters.....	42
6693. Classification and arrangement of cases.....	637
6702. Circuit Court Judges, Salaries of.....	456
6717. Bailiffs, Compensation.....	440
6739. Court Reporter. Salary of.....	599
6755. Courts of County Commissioners. County property.....	57
6766. County Commissioners, Semi-annual reports by.....	691
6779. Interest bearing warrants, rate etc.....	753
6855. Record of conveyances in probate offices.....	89
7097, 7098, 7099, 7102, 7106. Building and Loans Assns.....	431
7132. Co-operative marketing assns. Members.....	28
7167, 7168, 7171, 7172. Churches, Societies, etc. Inc. of.....	83
7203. Eminent Domain, procedure for condemnation.....	708
7327. Court of Appeals. Salaries of Judges.....	705
7489. Eminent Domain. Incidental benefits.....	492
8025. Forcible Entry, etc. Order on petition, bond, etc.....	637
8274. Married women and widows. Non-age, relief from.....	482
8588. Counties 200,000 or more population, jury commissioners may employ help.....	139, 263
8605. Jury duty. Persons exempt.....	76
8777. Justices of the Peace Courts. Appeals from.....	82
9384, 9386, 9394, 9396. Partnerships, limited.....	477
9604. Stationery of county officers.....	693
9879, 9880. Exempted securities and sales.....	555
10288. Supreme Court Justices. Salaries of.....	510
10291. Supreme Court opinions, prevail and protect.....	103
10293. Secretary to Chief Justice of Supreme Court.....	674
10327, 10328, 10329. Clerk of Supreme Court, assistants, costs, fees, salaries.....	710
10361. Streets and alleys, vacation of.....	195
10362. Streets, roads, etc. Changes ratified.....	194

CODE OF 1923—SECTIONS REPEALED

234-238, 250-266, 2258-2267, 2269, 2270, 2272-2293, Muni- cipal and County Bonds, provisions as to.....	534
330. Dentists and dental hygiene.....	747
2226-2235. Municipal Code, provisions.....	753
2364. City Commissioners. Elections of.....	250
2427-2517. Dock Commission.....	14
2999. Training School, State. for girls.....	510
4348, 4349, 4352-4355, 4356. Health Laws.....	717
9392, 9393. Partnerships, limited.....	477

COLLEGES AND SCHOOLS OF STATE

May sell property, how conveyed.....	32
--------------------------------------	----

CONFEDERATE MEMORIAL MUSEUM AT RICHMOND

Alabama Room.....	511
-------------------	-----

CONFEDERATE SOLDIERS AND SAILORS

Pensions of widows	87
Names dropped restored to rolls.....	105
Hospital. Code Sec. amended.....	481
Pensions. Amount and how paid.....	71

CONSTABLES

Terms extended in Counties 200,000 population.....	670
--	-----

CONSTITUTIONAL AMENDMENTS SUBMITTED

Baldwin County. Road Districts, etc.....	304
Birmingham, City of. Increase of taxes permitted.....	306
Buildings for schools. State bonds may be issued for.....	501
Choctaw County. Taxation rate increased.....	459
Citronelle. Indebtedness may be increased.....	191
Clark County. Jackson and other consolidated school districts authorized to levy taxes.....	649
Counties authorized to increase bonded debts.....	484
Dale County. School districts, additional taxes.....	658
Drainage Districts. Providing for organization of, etc.....	346
Jefferson County. Tax for tuberculosis hospital.....	621
Tax for Charity Hospital.....	620
Mobile County. Tax for public schools.....	466
Mobile County. Certain officers, compensation of.....	272
Mobile, City of. Tax rate increase.....	192
Municipalities. Certain may increase ad valorem tax rate.....	479
Municipalities. Certain may increase taxes.....	650
Walker County. Certain officers paid salaries.....	689

CONVEYANCES

Recording in Probate Offices. Code Sec. 6855 amended.....	89, 496
---	---------

CONVICTS

Rules Governing and working in mines prohibited.....	51, 52
--	--------

CO-OPERATIVE AND CREDIT ASSOCIATIONS

Defined and organization of.....	696
----------------------------------	-----

CO-OPERATIVE MARKETING ASSNS.

Who may become members.....	28
-----------------------------	----

COOSA COUNTY, AND OTHERS

Fish nets, seines, etc., prohibited.....	409
--	-----

CORONERS

Salary of in Counties 75,000 to 95,000 population.....	259, 500
Duties and compensation. Counties 200,000 population.....	643

CORPORATIONS

Exemption of certain from certain taxes.....	410
--	-----

CONTRABAND ANIMALS, VEHICLES, HARNESS, ETC. (See Liquors).**COUNTIES AND MUNICIPALITIES**

Authorized to remit taxes on certain factories and industries.....	55
Constitutional Amendment submitted, increase of bonded debts authorized	484
Special School tax elections validated and confirmed and others authorized	284

COUNTIES WITH MORE THAN 200,000 POPULATION.

Bailiffs in circuit court. Appointment, compensation, etc.....	714
Children, delinquents. Provisions for and jurisdiction.....	727
Clerk of circuit court.. Salary of.....	681
Clerk of Criminal Court, Deputy. Duties and salary.....	463
Constables. Terms extended.....	670
County Attorney. Office created, duties and salary.....	256
County Site. Board of Revenue order election for change of.....	467
Coroner and Deputy. Duties and salaries.....	643
Garnishments. Answers in J. P. courts regulated.....	101
Inferior Court. Judge's terms extended.....	671
Home, Detention. Provisions for.....	727
Jury Commission may employ help.....	263
Juvenile and Domestic Relations Court. Established, jurisdiction, etc. Detention Home, provisions officers etc.....	238
Juvenile Courts for Delinquent Children. Jurisdiction, etc. Detention Home, provisions for.....	727
Law Library. Provisions for; maintenancé, tax in civil suits for fund, etc.....	261
Acts Sept. 29, 1919 and Sept. 27, 1923 Amended.....	262
Loans of \$100.00 or less regulated.....	264
Officers. Certain, to itemize claims, accounts etc.....	675
Register in circuit court, Salary of.....	268
Revenue, Board of. Compensation and method of payment.....	646
Salaries of certain clerks etc., fixed.....	499
County Site change, duties as to.....	467
Sheriff. Expense fund for transporting prisoners, etc.....	193
Salary of.....	565
Stock Law Districts. Provisions for.....	493
Tax Assessor. Ex Officio services, payment for.....	645
Tax Collector. Ex Officio Services. payment provided for.....	645
Treasurer. Act Oct. 31, 1921, amended as to.....	286
Relieved of liability for erroneous payments.....	308

COUNTIES OF MORE THAN 100,000 POPULATION

Conservation of trees, etc.....	333
---------------------------------	-----

COUNTIES OF MORE THAN 85,000 AND LESS THAN 175,000 POPULATION

Criminal cases. Additional costs in certain and disposition of.....	414
Humane Officer. Act Oct. 11, 1920 amended as to.....	463
Juvenile Court. Established, jurisdiction, officers, duties.....	653
Officers not on salary basis exclusively. Act. Feby. 21, 1927 Repealed.....	601
Revenue, Board of. Road Commissioners and like courts, powers increased.....	411
Road Engineer. Provisions for.....	260
Tax Assessor. Compensation fixed.....	622
Tax Collector. Compensation fixed.....	623
Treasurer, County. Compensation of.....	29
Warrants, County. Act Feby. 10, 1923 amended as to.....	258

COUNTIES OF NOT LESS THAN 75,000 OR MORE THAN 95,000 POPULATION

Coroners, Compensation of.....	259
Term of office extended and fixed.....	500
Juvenile Court. Established and provisions for.....	195
School System. Consolidation of provided for.....	647
Sheriff. Salary, deputies, assistants, stationery, etc.....	219, 299

COUNTIES WITH LESS THAN 45,000 POPULATION	
Money Brokers. Act Mch. 9, 1901 repealed as to.....	271
COUNTIES WITH POPULATION BETWEEN 37,000 AND 37,400	
Tax Assessor, Clerk, for. Act creating repealed.....	190
COUNTY BONDS. (See Bonds of Counties and Municipalities.)	
COUNTY QUARANTINE OFFICER	
Appointment, salary, etc.....	102
COUNTY WARRANTS	
Interest bearing. Code Sec. 6779 amended.....	753
COURT OF APPEALS	
Salary of Judges. Code Sec. 7327 amended.....	705
Judges, offices numbered and numbers placed on ballots at elections	409
COURT HOUSE	
Removal of Site within same corporate limits.....	467
COURTS (See also Circuits, Judicial.)	
County Commissioner's. Powers as to Library Boards, Code Secs. 1545, 1547 amended as to.....	69
Offices of Officials and property of county, duty as to.....	57
Paupers and Poor. Duties to.....	521
Reports, Semi-annual. Code Sec. 6766 amended.....	691
Roads, bridges, etc. Powers as to.....	391
Telephones in offices. Act Sept. 25, 1919 amended.....	218
Inferior. Established in cities of more than 100,000 population, provisions, jurisdiction, etc.....	504
COURT REPORTERS.	
In 17th Judicial Circuit, duty, salary, etc.....	190
In one county circuits with more than two and less than nine judges, provisions for.....	50
Code Sec. 6739 amended as to salary of.....	599
CORPORATIONS	
See Municipal Corporations. Revenue, Banking, Insurance, and other appropriate heads.	
COVINGTON COUNTY	
22nd Judicial Circuit created.....	250
COYLE, PERRY J.	
Relief of	499
CREDIT UNIONS	
Defined and organization of provided for.....	696
DAIRY FARMS AND MILK PLANTS	
Inspection of	261
DALE COUNTY	
Constitutional Amendment as to, submitted.....	653

DEAF, ALABAMA SCHOOL FOR AT TALLADEGA	
Appropriation	27
DEEDS, MORTGAGES, BILLS OF SALE, ETC.	
Admitted to record	496
DELEGATE TO NATIONAL CONVENTIONS	
Act Sept. 13, 1923 Repealed	92
DEMONSTRATION FARMS	
Establishment of and appropriation for	423
DENTISTRY AND DENTAL HYGIENE	
Code Secs. Amended and Repealed as to	747
DOCKET OF CASES, CLASSIFICATION, ETC.	
Code Secs. amended as to	637
DOCKS COMMISSION	
Authorized to relieve Carrie Bemis	516
DOCKS COMMISSION, STATE. ENTIRE ACT.	1-14
Architects employed by	4
Bonds, given by certain employees	4
State, for improvements, interest on, payment	12
Sale of	8-12
Sinking Fund of	11-12
Censors, Board of. Created, powers, duties etc.	4
Charges for use of improvements	12
Clerks employed by	4
Commission continued, etc.	2
Dredging, provisions for	5
Eminent Domain, right of	7
Engineers employed by	4
Examiner of Public Accounts, must examine books	4
Exchange of properties, provisions for	7
Fines, disposition of	14
General Manager, appointment, duties etc.	4
Governor to call Censors in consultation, when	4
Plans and estimates submitted to	5-6
Harbors, improvement of	5
Lines not to conflict with U. S. lines	14
Internal improvement of docks, seaports, etc.	2
Leases, disposition of proceeds of	6
Legislature, Commission to report to	12
Licenses, granted may be revoked, when, etc.	13
Members of Commission. Eligibility, election, etc.	2-3
Minutes to be kept by	15
Operations of harbors and seaports	8
Rules for	13
Pilotage, Board of. Appointed by Commission	5
Fees, rules and regulations of	5
Pilots, employed by Commission	4
Plans and estimates. Must be submitted to Governor	5-6
Proceeds from operations, disposition of	11
Railroad Crossings, Wharves, etc., may acquire	7
Terminals, provisions as to	6
Real Estate purchases. Appraisal, etc.	6

DOCKS COMMISSION, STATE—*Continued*

Rules and Regulations. Violations and punishment of.....	13-14
Salaries of employees, fixed with Governor's approval.....	4
Secretary and Treasurer, employed by.....	4
Ship in bad repair must be moved on orders of.....	14
Title to all real estate vests in State of Alabama.....	6

DOCUMENTS

Admitted to record in probate offices.....	496
--	-----

DRAINAGE ACT OF 1927, ENTIRE ACT.....106-138

Appeals provided for, Secs. 6, 11, 21.	
Assessment against lands, Secs. 22, 23.	
Bonds of Districts, issuance, sale, Secs. 27-31.	
Commissioners, appointment of, etc., Secs. 9, 10, 33, 54.	
Drainage Districts, establishment, Secs. 2.	
Eminent Domain, powers of, Secs. 12.	
Engineers, provisions for, Secs. 14.	
Notice of report of, Secs. 5.	
Objections to organization of, Secs. 7.	
Petitions for establishment of, Secs. 4.	
Railroads, improvements crossing, Secs. 15.	
Records of proceedings, in courts, Secs. 3.	
Tax Collector, duties as to, etc, Secs. 24, 25.	
Taxes, levy and collection of, Secs. 8, 22.	
Viewers, Board of, duties etc, Secs. 17, 21.	

DRAINAGE DISTRICTS AND SUB-DISTRICTS

May issue bonds.....	608-615
Bonds of validated.....	602
Constitutional Amendment submitted as to.....	346
Corporate existence ratified.....	615
Refunding certain money paid out	618

EDUCATIONAL BUILDINGS

Constitutional Amendment submitted for issuance of bonds for	501
--	-----

EDUCATION

Appropriation for all schools and colleges.....	442
State Department of, appropriation for.....	442
Code of Laws adopted.....	483
Codification of Laws provided for.....	271
County Boards may issue warrants for certain dists.....	49
County Superintendent. Act. Oct. 1, 1923 amended.....	608
Equalization Fund, apportionment of.....	442
Institutions may sell certain property, method etc.....	32
State Board of. Duties to blind persons.....	711
May prescribe study courses, text books.....	288
Superintendent, State. duties as to children of retarded mental development	598

ELECTIONS

Contest of for levying special school taxes.....	498
--	-----

ELEVATOR IN CAPITOL

Building Commission asked to install.....	503
---	-----

ELMORE COUNTY, AND OTHERS

Fish nets, seines, etc., prohibited.....	409
--	-----

EMINENT DOMAIN	
Code Sec. 7203 amended as to.....	708
Code Sec. 7489 amended as to.....	492
Graveyards and cemeteries, rights-of-way to.....	520
ENDOWMENT CONTRACTS OF INSURANCE	
Issuance of	219
EVIDENCE	
Introduction of and exceptions to ruling of trial court regulated	636
EXCEPTIONS—BILLS OF	
When trial judge removed from any cause.....	213
EXECUTIVE DEPARTMENT	
Appropriation for expenses of.....	681
EXEMPTED SECURITIES AND SALES	
Code Secs. amended as to.....	555
EXEMPTIONS FROM AD VALOREM TAXES	
Certain factories and industries, provisions for.....	410
Road duty, who are exempted.....	393
Taxes, may be granted by municipalities and counties to certain factories and industries.....	55
Certain plants in certain cities.....	599
Property used for educational purposes only.....	564
EXPENSES OF STATE	
Ordinary and interest, Appropriation for.....	252
EXPERIMENT STATIONS	
Sub-agricultural provided for.....	473
EXPRESS, TELEPHONE AND TELEGRAPH COMPANIES	
Right to credit licenses on other privilege taxes when, etc.....	627
FACTORIES. EXEMPTIONS	
Code Secs. 2023-2025 amended as to.....	641
FEES	
Officers in certain counties must file statements.....	73
Officers paid out of F. & F. fund, Code 4039 amended.....	45
FEMALE DELINQUENTS	
Code Sec. 3005 amended as to.....	562
FINKLE, E	
Relief of	74
FIRE MARSHALL	
Salary of. Code Sec. 952 amended as to.....	69
FIREMENS PENSIONS AND RELIEF FUND	
Cities 170,000 population.....	222
FISH NETS. SEINES, ETC.	
Prohibited in certain counties.....	409

FLAGS OF U. S., AND ALABAMA	
To be displayed on Capitol Grounds.....	49
FLOGGINGS, BEATINGS, ETC.	
By masked persons, punishment.....	616
FORCIBLE ENTRY AND UNLAWFUL DETAINER	
Code Sec. 8025, amended as to petition, bond and writ.....	637
FORESTRY, STATE COMMISSION OF	
Duty to State lands.....	725
FOURTH DISTRICT AGRICULTURAL SCHOOL	
Purchase of buildings, etc.....	708
FRATERNAL BENEFIT SOCIETIES (See Insurance Companies)	
FRAUDULENT CHECKS AND DRAFTS.	
Code Secs. amended as to.....	268
Slot machines prohibited.....	709
GAME AND FISH LAWS	
Codification of provided for.....	68
GARNISHMENTS	
Answers regulated in counties with more than 200,000 population in J. P. courts.....	101
GASOLINE AND MOTOR FUELS, EXCISE TAX	
Act Feby. 10, 1923 amended.....	16, 326
GEOLOGICAL SURVEY	
Code Secs. amended as to.....	456
GETTYSBURG	
Erection of Monument provided for.....	510
GOLDEN ROD	
State Flower, designation of.....	627
GOVERNOR	
Authorized to buy buildings and land of Fourth Dist. Agricultural School.....	708
Authorized to convey certain property to National Guard Units of Jefferson County.....	565
Authorized to sell buildings and land of Kate Duncan Smith D. A. R. School, at Grant, Ala.....	705
Commander in Chief of Military and Naval Forces of State.....	568
Appoints General Officers.....	576
Encampments, May order annual.....	588
Deed certain property to University Trustees. Act of Jany. 28, 1852 amended as to.....	561
Member of Bond Commission, duties etc.....	98
GRAVEYARDS AND CEMETERIES	
Rights-of-way to, how acquired.....	520
GROVE HILL, ENDOWMENT FUND	
Act July 20, 1915 repealed.....	607

HABEAS CORPUS	
Appeals and Bail in proceedings.....	76
HAMPTON, W. P.	
Relief of	639
HARRIS, E. R.,	
Relief of	468
HARRIS, MRS. EUNICE	
Relief of	643
HEALTH LAWS	
Code Secs. 2848 amended as to.....	533
Code Secs. 4348, 4349, 4352, 4355, 4356. Repealed.....	717
HEALTH OFFICER STATE	
Code Secs. amended as to.....	717
Code Secs. amended as to.....	774
HEALTH, STATE BOARD	
Appropriations for	470
Authority and jurisdiction. Code Secs. amended as to.....	774
HIGHWAY BONDS	
Sale of provided for.....	97
HIGHWAY DEPARTMENT, STATE, ENTIRE ACT	348-408
Advertisements, markers and signs.....	362
Appropriation to of motor vehicle licenses.....	353
Attorney General, duties to and expenses.....	352
Bids, Advertisements for.....	356
Bonds. Contractors to give and liability thereon.....	356-358
Members of to give.....	349
State Road. Issuance and sale of.....	402-404
Chauffers, age of, etc.....	401
Children under twelve years prohibited from driving.....	401
Commissioners. Appointment, term of office, etc.....	349
Construct and purchase buildings, tools, etc.....	359
Contracts, how drawn and approved.....	359
Counties, Application by for State Aid.....	355
County Commissioners. Roads and bridges, powers as to.....	391-397
County Seats, must be connected.....	361
Convictions, Reports of sent Department.....	390
Convicts. May be worked on public roads.....	360
Director. Office created, appointment, term, salary.....	16
Member of Bond Commission.....	98
Incorporate Bridge Corporation, with others.....	278
Duties and powers of Commission. 349, 350, 353, and.....	361
Employees and records	352
Exemptions from road duty, Who.....	393-394
Federal Aid Law, contracts in relation to.....	360
Governor, contracts to be approved by.....	359
Good Roads Day, proclamation for.....	404
Lamps or Lights on motor vehicles.....	385-387
Miscellaneous provisions	404-406
Money and labor equitably apportioned.....	361
Offenses concerning highways.....	397-402

HIGHWAY DEPARTMENT, STATE—*Continued*

Penalties	389
Railroads tracks, bridges, tunnels and viaducts.....	406-408
Removal of Members and vacancies in Commission.....	349
Reports of Department to Governor.....	350
Right of way for roads, how acquired.....	358
Rules an dregulations.....	354
Rules of the Road	363-385
Separate duties of Commissioners.....	351
Vehicles used by exempt from license fees.....	352

HIGHWAY DIRECTOR, STATE (See Highway Department).

HOME, ALABAMA

Appropriation for	471
-------------------------	-----

HUMANE OFFICER IN CERTAIN COUNTIES

Act Oct. 11, 1920 amended.....	463
--------------------------------	-----

INDUSTRIAL INSTITUTE AT CAMP HILL

Appropriation for	506
School, Alabama Boys. Appropriation for.....	718

INFERIOR COURT JUDGES

Term extended in Counties with more than 200,000 population	671
Cities 35,000 to 50,000 population, Act Sept. 7, 1923 amended...	233

INJUNCTIONS

Temporary against municipalities and officers.....	64
--	----

INSURANCE AGENTS

Definition, regulations, licenses of.....	34
---	----

INSURANCE COMPANIES

Charters extended, how, provisions for.....	214
Endowment contracts of.....	219
Mutual Aid, Benefit, Industrial, definition and solvency of.....	215
Mutual Aid, etc., business defined, dues, fees, assessments, etc	634

INSURANCE, SUPERINTENDENT OF

Licensing and regulation of agents and other duties etc.....	34-36
--	-------

INSTITUTIONS OF STATE

May sell certain property, method of.....	32
---	----

INTEREST ON PUBLIC DEBT

Appropriation for payment of.....	681
-----------------------------------	-----

INTOXICATING LIQUORS AND BEVERAGES

Penalties for violations. Code Sec. 4622 amended.....	714
Contraband animals. Vehicles, harness etc. Code Sec. 4778 a- mended as to	715
Transportation, sale or possession of in five gallon quantities penalty for	704

JACKSON, CANERDY

Relief of	564
-----------------	-----

JACKSON AND OTHER CONSOLIDATED SCHOOL DISTRICTS
IN CLARK COUNTY

Constitutional Amendment submitted.....	649
---	-----

JEFFERSON COUNTY

Constitutional Amendment authorizing taxes for Charity Hospital, submitted	620
Constitutional Amendment authorizing levy of tax for Tuberculosis Hospital, submitted	621
Joint Recess Committee for created, powers duties and compensation	48

JERNIGAN, OLIVE

Relief of	704
-----------------	-----

JOINT RESOLUTIONS. SENATE AND HOUSE

Acts of Special Session 1926 to be published with General Acts of 1927	25
Agricultural Code, Committee appointed for	99
Agriculture, Recess Committee of. Appointed, duties, etc.	66
Baldwin County. Oyster beds survey	75
Bond Committee of Legislature. Duties, compensation, etc.	30
Capitol Building Commission. Elevator at Capitol requested of Capitol Employees, Hons. B. De G. Waddell and Sibley Holmes	503
Thanks to and appreciation of	672
Clerk of House and Secy. of Senate allowed six weeks to check journal, assistants provided for, etc.	703
Comer, Gov. Braxton Bragg. Tribute to	288
Cotton. Sacks made of should be used for fertilizers. Substitute for Jute. Congress petitioned to levy tariff on Jute	58
Education. Recess Committee on appointed, duties etc.	66
Flags, U. S. and Alabama to be displayed on Capitol Grounds	47
Flood, Mississippi. Sympathy to sufferers and appreciation of Red Cross	86
French Republic. Sympathy to for Aviators, Nungesser and Coli	82
Gary, Judge E. H. Sorrow at death of	309
Girls Industrial School. Committee on appointed	63
Governor's Inauguration. Expenses of	15
Hanson, Victor H. Appreciation of and thanks to	106
Inheritance Tax Laws. Congress petitioned to repeal	21
Jefferson County. Joint Recess Committee for appointed	48
Judiciary Recess Committee. Appointment, duties, etc.	66
Lieutenant Governor member of	70
Legion Field at Birmingham. Endorsement of	673
Lindbergh. Col. Charles A. Invitation to visit Alabama	190
Welcome to Alabama	712
Chamberlain and Levine. Appreciation	82
Mobile. Acceptance of invitation to visit	83
And Hons. Craft, Grove, Vickers and Rogers. Thanks to	88
Nitrate Plant at Muscle Shoals. President requested to call special session of Congress for development of	59
Officers of World War, Disabled. Resolution as to	441
Owens, Mrs Marie Bankhead. Thanks to	713
Polytechnic Institute, Alabama. Trustees authorized to receive grants of money from U. S. Government	269
President Pro Tem of Senate and Speaker of House, ex officio members of all Recess Committees	71
Roads and Highways. Recess Committee appointed, duties etc.	71
School Code. Committee appointed to report on	270

JOINT RESOLUTIONS—Continued.

School of Trades and Industry at Gadsden. Committee appointed to visit, duties etc.....	63
Secretary of Senate and Clerk of House allowed fifteen days to check journals, assistants provided, etc.....	51
Allowed six weeks to check Journals, Assistants provided compensation, etc.	703
Speaker of House and President Pro Tem of Senate, ex officio members of Joint Recess Committees.....	71
State Tax Commission. Increased revenues of State, investigate Supreme Court. Opinion requested on County Bond Issue Bill	253
Taylor, Richard V. Invitation to address Legislature.....	100
Committee appointed to notify of invitation.....	213
Text Books, School. Committee appointed to investigate etc....	213
Ways and Means. Joint Recess Committee appointed, duties, etc	50
World War Officers. Resolution as to.....	66
	441
JUDGES OF PROBATE	
Duty to U. S. Veterans Bureau.....	70
Records of conveyances. Code Sec. 6855 amended.....	89
JUDGMENTS AND OTHER RECORDED LIENS.	
Purchasers of real estate protected from.....	503
JUDICIAL AND EXECUTIVE DEPARTMENTS	
Appropriation for expenses	681
JURY COMMISSION	
In certain counties may employ help.....	263
Counties not less than 200,000 population, may employ clerical assistance. Code Sec. 8588 amended as to.....	138
JURY DUTY	
Persons exempted from enumerated.....	76
JUSTICES OF THE PEACE AND INFERIOR COURTS	
In counties not less than 200,000 population, garnishments answers	101
JUSTICES OF THE PEACE AND NOTARIES PUBLIC EX OFFICIO,	
In territory annexed to City of 40,000 to 55,000 population, retain office for present terms	496
JUSTICE OF THE PEACE COURTS	
Appeals from convictions in.....	33, 82
JUVENILE AND DOMESTIC RELATIONS COURT ESTABLISHED.	
In counties not less than 75,000 or more than 95,000 population	195
Established in counties not less than 95,000 or more than 175,000 population	653
Established in counties with not less than 200,000 population....	238
KATE DUNCAN SMITH D. A. R. SCHOOL	
Appropriation for	705
LAW LIBRARIES	
Funds for in counties with more than 200,000 population, maintenance of, etc.....	261

LAWS AMENDED AND REPEALED (See Acts and Code Amendments and Repeals.)

LEGISLATURE

Appropriations for expenses of.....	42
Additional	188
Expenses of members while attending sessions.....	26

LIBRARIES, CAPITOL AND SUPREME COURT

Insurance on	252
--------------------	-----

LICENSES. (See Revenue and Municipal Corporations)

LIENS, MORTGAGE, ETC. RECORDED

Purchasers of real estate protected.....	503
--	-----

LIENS, MATERIAL AND LABOR

Collections from contractors of Public Works.....	37
---	----

LIQUORS (See Intoxicating liquors and beverages)

LIVINGSTON, CITY OF

Appropriation to pay for school buildings.....	410
--	-----

LOANS OF \$100.00 AND LESS

Regulated in certain counties.....	264
------------------------------------	-----

LOANS OF MONEY AT 6% OR LESS

Method of equal payments.....	440
-------------------------------	-----

MAPS OR PLATS OF LAND

Record of regulated in cities more than 100,000 population.....	217
---	-----

MARRIED WOMEN AND WIDOWS

Non-age. Code Sec. 8274 amended as to.....	482
--	-----

MARSHALL, B. L.

Relief of	617
-----------------	-----

MASKED PERSONS ENGAGED IN FLOGGINGS, ETC.,

Punishment of	616
---------------------	-----

MENTAL DEFICIENTS

Partlow State School for. Code Sec. 1464 amended.....	628
---	-----

MILITARY AND NAVAL FORCES OF STATE—ORGANIZATION, ETC.

Appropriation for maintenance of.....	566
Armory Commission. Duties etc.....	593-597
Articles of War. When governed by.....	582
Board, Military. General duties etc.....	590
Bonds of Responsible Officers.....	592
Courts, Military. Organization of, etc.....	581
Enlisted men. Delinquencies and offenses of.....	584
Pay of	587
Exemption from jury and other duties.....	589
Injuries or death. Compensation for.....	581
	592

MILITARY AND NAVAL FORCES OF STATE—Continued

Officers. Expenses etc., while traveling.....	591
Offenses of	586
Pay of	589
Supplies, purchase of certain.....	591

MISCEGENATION

Code Sec. 5001 amended as to.....	219
-----------------------------------	-----

MOBILE, CITY OF

Constitutional Amendment submitted for additional tax.....	192
County of	
Constitutional Amendment submitted authorizing school tax	466
Constitutional Amendment submitted authorizing Legislature to fix salaries of certain officers.....	271
Courts, Circuit. Practice Act 1900-01, page 852 repealed	269

MORTGAGES AND OTHER LIENS

Purchasers of real estate protected.....	503
--	-----

MOTOR CARRIERS

Regulations of by Public Service Commission.....	309
--	-----

MOTOR VEHICLES

Certificate of title. Act Sept. 14, 1923 repealed.....	21
Buses and trailers, registration and license fees.....	332
Hiring and letting regulated.....	507

MUNICIPAL BONDS (See Bonds of Counties and Municipalities.)**MUNICIPAL CORPORATIONS**

Code of Laws provided for. Entire Act.....	753-774
Abutting property, tax against.....	761
Appeals, general provisions for.....	767-769
Application and definitions.....	753
Assessment books. For, etc.....	764-765
Assessments, objections to, payment, defaults, etc.....	769-771
Bonds, provisions for issuance of.....	771-772
Code Section repealed. Numbers of and provisions.....	773
Contracts for Public Works.....	760
Eminent Domain, exercise of.....	773
Engineer, City. Superintends work and other duties.....	761
Grade of streets and sidewalks.....	760
Improvements, Public. General powers of, etc.....	754
Lands. Purchase or condemnation of.....	773
Liens, Assessment. Assignment and transfer of.....	766-767
Notice of assessments. How given etc.....	764-765
Objections to plans, specifications, etc.....	758-759
Ordinances or resolutions as to specifications etc.....	756
Publication of lists of improvements, how paid.....	759
Railroad and Street Car tracks, assessments against.....	763
Rolls or lists of owners. Assessment.....	764
Sewers and Drains. Assessments.....	762
Temporary loans for improvements.....	771
Words, Phrases and Terms. Definitions.....	756

MUNICIPAL CORPORATIONS AND COUNTIES

Authorized to remit taxes on certain factories and products.....	55
Class D cities, Code Sec. 2336 amended.....	465
Commission form of Government. Act April 11, 1911 amended.....	461
Act April 8, 1911 amended.....	494
Code Sec. 2341 amended.....	253
Constitutional Amendment submitted authorizing certain to levy additional taxes.....	650
Constitutional Amendment submitted authorizing certain to levy tax of 1%.....	479
Elections of officers. Code Secs. amended as to.....	706
Exemption of certain factories and products from taxes. Code Secs. 3023-3025 amended as to.....	641
Injunctions against. Temporary. Regulations of.....	64
Licenses in Police Jurisdiction. May collect.....	674
Loans, Temporary. Code Sec. 2011 amended as to.....	515
Officers, Elections of. Code Secs. amended as to.....	706

**GENERAL ACTS WITH LOCAL APPLICATION BASED ON
POPULATION CLASSIFICATION**

10,050 and not more than 15,000 population, City Manager form of Government may be adopted in.....	631
25,000 and not more than 50,000 population. Commissioners, City. Elections, terms, compensation, etc. Act of Sept. 18, 1923 amended as to.....	490
Commission form of government in Act Sept. 18, 1923, amended.....	188, 490
Inferior Courts in. Act Sept. 7, 1923 amended.....	233
Public Improvements in, Bonds, proceedings validated, as- sessments, etc.	43
35,000 and not more than 150,000 population. Certain manu- facturing plants etc., may be exempted from taxation.....	599
60,000 and less than 150,000 population. Buildings. Author- ized to regulate and restrict.....	427
Licenses in police jurisdiction.....	472
Additional fees and disposition thereof.....	624
Pension and Relief Fund for certain employees.....	415
Sanitation outside city limits, within police jurisdictions, provisions for	429
100,000 or more population.	
Act Sept. 15, 1915. Commission form of government is amended	254
Act Aug. 15, 1923, Commission form of Government, amended	302
Act Aug. 28, 1915. Impeachment of officers, amended.....	491
Civil Service Board, Government of police and fire depart- ments by	505
Education, Board of. Retirement of teachers on pay.....	566
Exemption of certain land from taxation.....	85
Inferior Courts. Regulations, bailiff, clerks, etc.....	504
Lighting facilities provided for in certain places.....	485
Maps, plats, etc. Recording of regulated.....	217
Pension and Relief Fund. Provisions for.....	222
Police and Firemen. Civil Service Regulations of.....	505

MUSCLE SHOALS COMMISSION.

Created, powers, duties, etc.....	38
-----------------------------------	----

MUTUAL AID, BENEFIT, ETC. SOCIETIES (See Insurance Companies.)

NARCOTICS

Bartering, sale, possession, regulated, penalties for violations of offenses 719

NATIONAL GUARD

Governor authorized to convey certain property to certain units 565

NEGRO—DEFINITION OF

Code Sec. 2 amended as to 717

NURSES—BOARD OF EXAMINERS

Code Sec. 1185 amended as to 563

Code Secs. 1187, 1189, 1190, 1193 amended 604

OFFICERS, CERTAIN

In counties of more than 200,000 population to itemize claims for salaries and expenses 675

OPIUM. (See Narcotics).

ORDINANCES

Temporary injunctions against regulated 64

PARTLOW STATE SCHOOL FOR MENTAL DEFICIENTS

Established 628

PARTNERSHIPS, LIMITED

Code Secs. 9384, 9386, 9394 and 9396 amended; and Secs. 9392 9393 repealed 477

PAUPERS AND POOR

Maintenance and support of 521

PENSIONS, CONFEDERATE

Code Secs. 2948, 2973 amended 469

Confederate Veterans, amount and how paid 71

Rolls. Restoration to of names that have been dropped 105

Widows of soldiers and sailors 87

PENSION AND RELIEF FUND

In cities of more than 170,000 population, provisions for 222

For employes in cities not less than 65,000 or more than 150,000 population, additional fee on licenses applied to fund 624

Tax on certain criminal cases applied to fund 414

POLYTECHNIC INSTITUTE, ALABAMA

Appropriation for extension work 330

Trustees authorized to receive grants of money from U. S. Govt. 269

PRIMARY ELECTIONS

Ballots numbered for Justices of Supreme Court, Judges of Court of Appeals, Circuit Judges and Members of Public Service Commission 409

Repeaters in, punishment of 89

PRISONERS

Feeding in county jails. Act. Sept. 29, 1923 amended and Code Sec. 4859 amended as to.....	693
--	-----

PROBATE JUDGES

Duties as to U. S. Veterans Bureau.....	70
Counties not less than 75,000 or more than 95,000 population. Salary, clerical help, offices, etc.....	220
Record of Conveyances. Code Sec. 6855 amended.....	89

PROBATE OFFICES

Documents admitted to record in.....	496
--------------------------------------	-----

PROHIBITION LAWS. (See Intoxicating liquors.)**PUBLIC IMPROVEMENTS**

In cities not less than 25,000 or more than 50,000 population, bonds provided for, proceedings, validated, assessments abated, etc.	43
--	----

PUBLIC SCHOOLS

Tax elections validated as to certain districts and other elections authorized	187
--	-----

PUBLIC SERVICE COMMISSION, ALABAMA—POWERS ENLARGED

Certificate of necessity, application and granting.....	309
Compensation of Members, additional.....	311
Definition of words and phrases.....	323
Exemptions from Act.....	309
False returns and entries, and penalties for.....	315
Fees, to be paid by motor carriers.....	321
Fund, Motor Carrier. Disbursement of, etc.....	313
Investigations by Commission.....	315
Motor Carriers. Fees and regulation of.....	317
Rates, Rules and Regulations of.....	313
Violation of Act or Rules, penalty for.....	310
	322

PUBLIC SERVICE COMMISSION

Offices to be numbered in primary elections.....	409
--	-----

PUBLIC WORKS

Contractors for to give bond; accounts for material and labor, collection of	356-358
Protection of persons furnishing labor or materials.....	37

QUARANTINE OFFICERS FOR CERTAIN COUNTIES

Code Sec. 1063 amended as to.....	102
-----------------------------------	-----

REAL ESTATE AGENTS AND BROKERS.

License and regulation	335
------------------------------	-----

REAL ESTATE COMMISSION, ALABAMA.

Created, appointment, etc.....	336
--------------------------------	-----

RECESS COMMITTEES AND COMMISSIONS

Compensation and expenses.....	60
--------------------------------	----

RECLAMATION OF OVERFLOW LANDS (See Drainage Act)

RECORDERS

Powers to punish. Code Sec. 1936 amended..... 217

RECORDING

Documents admitted to in probate offices..... 496

REEVES, S. M.

Relief of 617

REGISTERS IN CIRCUIT COURTS

Salary of in counties of more than 200,000 population..... 268

REGISTERS IN EQUITY

Assistants provided in circuits of one county with more than
two and less than nine judges; duties and salary..... 33

REGISTRARS

Code Secs. 375, 376, 387, 392, 393, 402, 403 amended..... 274

REPEATERS IN PRIMARY ELECTIONS

Punishment of 89

REPORTER, OFFICIAL COURT.

In Judicial circuits of one county with more than two and less
than nine judges, may retain transcript fees..... 50

Code Sec. 6739 amended as to..... 599

REPORT OF STATE OFFICIALS

Number of printed copies of..... 190

RESOLUTIONS. (See Joint Resolutions.)

REVENUE, BOARDS OF (See also Courts of County Commissioners.)

In counties where courthouse was in original corporate limits
of a town or city, and it is desirable to move such court-
house to a place in present but not original city limits, may
order election for change, provisions for holding such elec-
tion, etc. 467

In Counties with more than 200,000 population, Compensation
and method of payment..... 646

Fix salaries of certain officers..... 499

Road Commissioners and courts of like jurisdiction in counties
with not less than 95,000 or more than 300,000 popula-
tion, Powers increased..... 411

REVENUE, GENERAL, OF STATE PROVIDED FOR..... 139-187

Accountants and actuaries, License tax..... 153

Adjusters of fire losses, License tax..... 153

Appeals from assessments by State Tax Commision..... 185

Architects, License Tax 153

Attorneys, License Tax 153

Automobiles, Agents and Dealers, License Tax..... 160

Assessment motor vehicles for ad valorem taxes..... 158-160

Non-residents, exemptions 160

Cigars, cigarettes cheroots, tax on..... 142-147

REVENUE, GENERAL—Continued

Coal mines, tonage tax.....	141
Corporations, Domestic. Assessment of shares.....	166
Permits	171, 172
Deeds, filing tax	163
Dentists, License tax.....	154
Directories, compilers and sellers, License tax.....	156
Doctors, Medical License tax.....	155
Educational Trust Fund What taxes are.....	148
Engineers. Various kinds. License tax.....	155
Express Companies. Intrastate business.....	140
May deduct license tax from other privilege taxes, when.....	627
Eye Glass peddlers, License tax.....	155
Fairs, Street and others, License tax.....	156
Filling Stations, Gasoline, License tax.....	161
Franchise tax on domestic corporations.....	176-183
Foreign corporations	181-183
Freight lines and Equipment companies, License Tax.....	161-163
Fruits, etc., sold from R. R. car, License tax.....	154
Gypsies and Traders, License tax.....	157
Hotels and lodging houses, License tax.....	155
Hydroelectric companies, License tax.....	141
Inspectors of Licenses, office created.....	183-185
Insurance companies, License tax.....	149-153
Iron ore mines, tonage tax.....	141
Licenses may issue for half year, when.....	186
When due	186
Liens for license taxes.....	186
Oculists, License tax	155
Oils, lubricating, excise tax on.....	168-171
Public utilities, electric, License tax.....	165
Municipal, License tax.....	166
Pullman Car Companies, License tax.....	142
Railroads, Intra-State business.....	139
Sand, gravel and other mines, tonage tax.....	141
Securities, list of filed.....	174-176
Shows, transient, License tax.....	156
Telephone and Telegraph Companies, License tax.....	140
May deduct from other privileges taxes, when.....	627
Trailers to motor vehicles, License tax.....	332
Vehicles, motor, trailers, trucks, etc, License tax.....	332

REVENUE, GENERAL

Act Sept. 25, 1919, amended.....	57
Act of 1919, page 282, Repealed.....	141

REVOLVING FUND FOR TEXT BOOKS

Distribution, etc	295
-------------------------	-----

ROAD DUTY

Exemptions from, whom	393-394
-----------------------------	---------

ROADS AND HIGHWAYS

Bonds, sale of for improvements.....	97
--------------------------------------	----

ROADS, STATE TRUNK

Ashland via Mellow Valley, LaFayette.....	628
Attalla to Springville, No. 2.....	494

ROGERS, FRANK	
Relief of	562
SALES AND SECURITIES, EXEMPTED	
Code Sec. 9879, 9880 amended.....	555
SCHOOL, BUILDINGS	
Bond issue for \$20,000,000.00 submitted.....	501
Sale of in event amendment adopted.....	639
Expenditure of amounts allocated to counties if amendment adopted	675
SCHOOL, KATE DUNCAN SMITH D. A. R.	
Appropriation	705
Sale of land and buildings authorized.....	705
SCHOOL DISTRICTS	
Special tax elections ratified and other elections authorized 27, 187, 284	
County Boards of Education may issue warrants for certain districts	27, 49
SCHOOLS	
Appropriations for general purposes.....	442
Elections for District taxes, contest of.....	498
Elections for special taxes validated and other elections authorized	27
May sell certain property, method of conveyance.....	32
Public, course of study and text books.....	288
Special tax. Act Sept. 26, 1919 amended.....	483
System, consolidation provided for in counties not less than 75,000 or more than 95,000 population.....	647
Text Book Commission created, appointment, duties.....	50
SECRETARY TO CHIEF JUSTICE	
Code Sec. 10293 amended, salary.....	674
SECRETARY OF SENATE AND CLERK OF HOUSE	
Additional time to check Journals, assistants, expenses, etc.....	717
SECURITIES AND SALES	
Exemptions. Code Sec. amended as to.....	555
SERVICE COMMISSIONER, STATE	
Created, duties, salary etc.....	95
SHERIFFS	
Counties not less than 50,000 or more than 54,000 population, duties and compensation.....	73
Counties not less than 75,000 or more than 95,000 population, supplies, etc.	219-299
Counties more than 200,000 population, to have fund for transportation of fugitives	193
Salary in last mentioned counties.....	565
SHOALS. (See Muscle Shoals.)	
SHOALS, National Forest & Birmingham Highway, designated.....	324

SLOT MACHINES, ETC.	
Prevention of fraudulent operations of and punishment for violations	709
SOLDIERS HOME	
Code Sec. 2975, 2981 amended.....	40
SOLICITORS. ASSISTANTS	
Code Sec. 5526 amended as to.....	479
Deputy. Code Sec. 5523 amended as to.....	513
Deputy and Assistant, election, duties and salary in circuits of one county with three or more judges. Act Sept. 25, 1915 amended as to	103
Second Assistant, in certain counties.....	36
Stenographer for in certain counties.....	31
SPEIGNER, FLOOD DAMAGES	
Board of Administration to adjust and pay.....	427
STATE BIRD DESIGNATED	
Yellowhammer	628
STATE FLOWER DESIGNATED	
Golden Rod	627
STATE INSTITUTIONS, COLLEGES, ETC.	
May sell property.....	32
STATIONERY FOR COUNTY OFFICERS	
Code Sec. 9604 amended.....	693
STEARNES, MRS. STANCIL R.	
Relief of	702
STREETS, ALLEYS, ETC.	
Change of	194-195
STOCK LAW DISTRICTS	
In Counties of more than 150,000 population, provisions for.....	493
SUGAR REFINERIES	
Permitted to make denatured alcohol.....	516
SUPREME COURT CLERK	
Code Secs. amended as to salary, etc.....	710
SUPREME COURT (See Appropriations.)	
Justices of. Code Sec. amended as to compensation.....	510
Offices to be numbered on ballots.....	409
Opinions prevail over Attorney General's etc.....	103
Requested by Legislature for opinion on Bill.....	100
SURGEONS AND PHYSICIANS	
Compensation. Code Sec. amended.....	497
TALLAPOOSA AND OTHER COUNTIES	
Fish nets etc., prohibited.....	409

TALLEY, MOLLIE	
Relief of	713
TAX ASSESSORS	
Act providing for clerk in counties with population between 37,000 and 37,400 repealed.....	190
Counties with more than 100,000 and less than 150,000 population, compensation fixed.....	622
Counties with more than 200,000 population ex officio services, payment for	645
TAX COLLECTORS	
Counties with not less than 90,000 or more than 300,000, compensation of	623
And other officers must file statement of fees etc.....	73
Counties with more than 200,000 populations, ex officio services, payment for	645
TAX COMMISSION	
Chairman of, with others may organize Bridge Corporation.....	278
TAXATION. (See Revenue—General.)	
Exemptions from. in Cities more than 100,000 population, certain land	85
Property used exclusively for school purposes.....	564
TAXES	
Refunding provided for if law invalid.....	635
TELEPHONE, TELEGRAPH AND EXPRESS COMPANIES	
Right to credit licenses on other privilege taxes, when.....	627
TEXT BOOKS FOR PUBLIC SCHOOLS	
Selection and purchase.....	288
TRAINING SCHOOL FOR GIRLS, STATE. (See Appropriations).	
Trustees, Board of created, duties etc.....	511
Code Sec. 2999 amended as to.....	510
TREASURER, COUNTY	
Compensation in certain counties.....	29
Counties of more than 200,000 population, Act of Oct. 31, 1921 amended as to.....	286
Counties constituting judicial circuit with five or more judges. Relief of	308
UNIONTOWN EXPERIMENT STATION	
Abolished and provisions for disposition of State property.....	512
VEHICLES, HARNESS, ETC.	
Used in transportation of prohibited liquors. Code Sec. 4778 amended	715
VENEREAL DISEASES—CONTROL	
Code Sec. 1106 amended.....	716
VETERANS BUREAU, U. S.	
Probate Judges to furnish copies of certain guardian settlements	70

VETERANS OF ANY WARS. OF UNSOUND MIND	
Commitment to U. S. Veterans Bureau, provisions.....	692
WALKER COUNTY	
Constitutional Amendment submitted for.....	689
WASHINGTON COUNTY	
Board of Administration authorized to pay Board of Education of, certain fund.....	426
WATER CLOSETS, PRIVIES, ETC.	
Code Sec. 2051 amended.....	41
WILDER, CHARLES E.,	
Relief of	597
WITNESSES AND SURGEONS SUMMONED	
Code Secs. amended as to.....	497
Examination of and exceptions, regulated.....	636
YELLOWHAMMER	
Designated State Bird.....	628

INDEX

TO ACTS OF SPECIAL SESSION OF LEGISLATURE 1926-27

CONSTITUTIONAL AMENDMENT

Act proposing—authorizing the state to locate, construct, improve, repair and maintain public roads, highways and bridges	794
---	-----

EXTRAORDINARY SESSION

Appropriation for expenses of	789
-------------------------------------	-----

GASOLINE AND OTHER LIQUID MOTOR FUELS

Act imposing an excise tax on	790
-------------------------------------	-----

KELLER, WILLIAM SIMPSON

Resolution Memorializing	789
--------------------------------	-----

MAYFIELD, JUDGE JAMES J.

Resolution Memorializing	794
--------------------------------	-----